



Department of Energy
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08-SED-0098

APR 28 2008

Mr. Daniel D. Opalski, Director
 Office of Environmental Cleanup
 U.S. Environmental Protection Agency
 Region 10
 1200 Sixth Avenue, Suite 900, MS-ECL-117
 Seattle, Washington 98101

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EDMC

Dear Mr. Opalski:

**STATUS OF U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) PROPOSED
 HANFORD FIVE-YEAR REVIEW ACTION ITEMS**

- References: (1) RL ltr. to Daniel D. Opalski, EPA, from D. S. Shoop, "U.S. Environmental Protection Agency (EPA) Concurrence on the Second Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Five-Year Review Report for the Hanford Site," 07-SED-0277, dtd. June 8, 2007.
- (2) EPA ltr. to D. S. Shoop, RL, from D. D. Opalski, "U.S. Environmental Protection Agency (EPA) Concurrence on the Second CERCLA Five-Year Review Report for the Hanford Site," dtd. May 4, 2007.

The purpose of this letter is to respond to Reference (2) regarding EPA concurrence with the DOE Second Hanford Site CERCLA Five-year Review Report. In your letter you proposed three action items (1-3, 2-2, and 2-3) in addition to those proposed by DOE in the Report. DOE stated in Reference (1) that it agreed the actions proposed by EPA are appropriate. However, DOE expressed concern with the dates due to uncertainties regarding elements of the EPA proposed actions that are totally outside of DOE's control. This letter provides a status on the actions and suggests new dates that DOE will strive to meet. There is still uncertainty in these dates. As the new dates approach DOE will notify EPA if the dates cannot be met.

Action 1-3 calls for DOE to reassess and resubmit to EPA the protectiveness determination for the 100 and 300 Area source operable units and the H and K groundwater operable units using new information from the River Corridor Baseline Risk Assessment and to prepare an Addendum to the Five Year Review Report with updated Protectiveness Determinations, as appropriate. The EPA proposed date for this action was February 25, 2008, which roughly corresponded to the anticipated finalization of the risk assessment. Finalization of the risk assessment is now projected to be no sooner than April 30, 2009. DOE will reassess the

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protectiveness determinations for the 100 and 300 Area operable units, and the H and K groundwater operable units within 90 days of the State of Washington Department of Ecology (Ecology) and EPA acceptance of the final risk assessment report, and submit its determinations to EPA within that timeframe.

Action 2-2 requires DOE to reach agreement with Ecology and EPA on a strategy and schedule to obtain final records of decisions in the river corridor by November 30, 2007. While progress has been made in developing the strategy, agreement on a schedule has not yet been reached. It should be noted that the Tri-Parties are engaged in negotiations of several elements of the Tri-Party Agreement and Tri-Party Agreement milestones that include this same scope.

Ultimate resolution of the source and groundwater schedules and final milestones are anticipated to be reached through the Tri-Party Agreement negotiations.

Action 2-3 requires DOE to submit a Tri-Party Agreement change package with new milestones for submitting Remedial Investigation/Feasibility Study (RI/FS) work plans and proposed plans for final actions at all but one of the River Corridor operable units. As noted above, negotiations between the Tri-Parties concerning changes to the Tri-Party Agreement and Tri-Party Agreement milestones are currently ongoing. As the negotiations progress, DOE anticipates that dates for submitting RI/FS work plans and proposed plans for final actions at all of the River Corridor operable units will be established.

If you have any questions, please contact Stephen R. Weil, Director, Environmental Management Division, on (509) 372-0879.

Sincerely,



Rob G. Hastings, Acting Assistant Manager
for Safety and Environment

SED:CEC

cc: N. Ceto, EPA
J. A. Hedges, Ecology
Administrative Record
Environmental Portal