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DEPARTMENT OF ENERGY

December 9, 1996

Mr. Thomas W. Ferns, NEPA Document Manager
Hanford Remedial Action Environmental Impact Statement
U.S. Department of Energy
Richland Operations Office
P.O. Box 550, MSIN HO-12
Richland, WA 99352

Dear Mr. Ferns:

We appreciate the opportunity to review the Hanford Remedial Action - Environmental Impact Statement (HRA-EIS). Attached are our detailed technical comments.

We are troubled by the difficulties that the U.S. Department of Energy (USDOE) has had in clearly explaining how this document would be used and what decisions it would or would not supersede. In recent months, USDOE has worked to resolve these uncertainties. We appreciate these efforts and believe it has helped to clarify where this document fits in with other key Hanford documents. However, there are some inconsistencies which continue to cause us concern.

Most importantly, it is difficult to assess the potential future restrictions needed unless the major sources of contamination in the 200 areas are remediated.

In response to concerns expressed by the Washington Department of Ecology and the U.S. Environmental Protection Agency (EPA), among others, USDOE officials have stated that the HRA-EIS will not be used to direct cleanup or set cleanup standards. That is appropriate, as cleanup is principally governed by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA) under the framework of the Tri-Party Agreement (TPA) and Consent Order. However, the HRA-EIS does not consistently acknowledge that cleanup is governed by these laws. We believe all alternatives considered in the HRA-EIS must be consistent with the TPA and these laws.

John A. Kitzhaber
Governor

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We are concerned that the HRA-EIS does not completely match the goals and recommendations of the Hanford Future Site Uses Working Group (FSUWG). Contrary to the recommendations of the Future Site Uses Working Group, the EIS recommends most of the site be placed under some restrictions. Long-term land use restrictions should be imposed only if remediation cannot be accomplished. The areas restricted should be limited in size within each geographic area to the greatest degree possible.

The FSUWG goals and recommendations were developed and agreed to by a broad range of Hanford stakeholders. We believe it would be wrong for USDOE to back away from any of these recommendations without the full participation of these various stakeholders.

The Office of Energy requests the EIS be clarified to state that cleanup decisions must be based foremost on protecting public health and safety and the Columbia River. Protection of the Columbia River from radioactive and chemical plumes and protecting certain areas that are sensitive for habitat, Native American uses or other reasons or concerns may dictate an approach to cleanup which is more protective of these assets. These should be considered through broad regional public involvement under the cleanup laws and the Tri-Party Agreement.

Sincerely,

Mary Lou Blazek

Mary Lou Blazek
Administrator
Nuclear Safety Division
Oregon Office of Energy

cc: Randy Smith, EPA Region 10
Mike Wilson, Washington State Department of Ecology

Technical comments on the Hanford Remedial Action EIS/ Comprehensive Land Use Plan

1. The cleanup of Hanford is governed under the Comprehensive Environmental Cleanup and Liability Act (CERCLA) and under the toxic waste laws (Resource Conservation and Recovery Act and the Model Toxics Control Act). The National Environmental Policy Act does not supersede the CERCLA process and requirements. As a result, the EIS must recognize and rely on the CERCLA process and the suitable screening criteria detailed in the preamble to the National Contingency Plan (NCP). The EIS needs to directly recognize these requirements.

2. Under NEPA, the EIS is required to identify the proposed action and reasonable alternatives to that action. For this EIS, the proposed action appears to be restriction on access. The EIS does not propose taking actions on the major source of the risk. The alternatives are limited and are not adequate to meet the NEPA requirement for reasonable alternatives. The EIS should focus on the sources of the problem and the reasonable approaches to resolving these. Only if these cannot be remediated or contained adequately should USDOE look to other actions. These other actions should include examination of subsurface barriers to prevent the spread of the risk into uncontaminated areas.

3. Section 5.11 makes a broad claim for Irretrievable and Irreversible impacts to natural resources. These impacts are not caused by the actions proposed by this EIS and are not subject to a claim of irreversible and irretrievable impact under this EIS. For this claim to be made, the action causing it must be a part of the EIS. Additionally, the CERCLA process recognizes claims of irretrievable and irreversible impacts from actions taken under a NEPA process. CERCLA does not recognize such claims for impacts from CERCLA releases.

4. The EIS uses a recreational scenario which is deficient. The residential and industrial scenarios need to utilize the standard default EPA parameters for such scenarios with the exception that the years of exposure should be increased commensurate with the size of the site. For small sites, it is reasonable to assume that people will move away and do other things. With a huge site such as Hanford, this is not a reasonable assumption.

5. The EIS should also include a Native American scenario which recognizes the Tribal Treaty rights of the Yakama, the Nez Perce and the Confederated Tribes of the Umatilla Indian Reservation and the very different utilization of resources by tribal members as compared to members of the general U.S. population. Tribal members are unlikely to move and are likely to spend much more time in intimate contact with the site and site resources.

6. The EIS indicates that groundwater under the site will travel in a predominantly northward direction, through the gap between Gable Mountain and Gable Butte and then across the northern plain of the Hanford site and into the Columbia River. The Tank Waste Remediation System EIS assumed that groundwater would flow in a predominantly southeastward direction from the same areas in the center of the site. USDOE indicated that this was caused by the authors of the documents using groundwater elevations from different time periods. However, it also indicates the potentially large changes that can occur in groundwater flow at Hanford from fairly minor changes in groundwater elevations or conditions. USDOE must place greater emphasis on removing the source contaminants and on preventing their migration.

7. Tables 5-55 through 5-74 intend to portray the risks from each of the alternatives over time under several scenarios. As noted above, the modeling of the movement of radioactive and hazardous constituents is highly variable depending on the flow of groundwater under the site. Climate change, population changes and other factors may cause the flow of groundwater under the site to change greatly from the predictions presented in these tables. USDOE should not rely on the prediction of the direction of groundwater flow for protection of human health and the environment. The uncertainties are too large.

8. Tables 5-58 and 5-59 purport to identify the human health risks from the various alternatives. The mathematical models used to make these calculations are based on breaking the time into discrete periods and using the risk present at the beginning of each time period for the entire period. This is highly non-representative of the decay which occurs with radioactive materials. Additionally, if groundwater movement changes to any significant degree, these tables may be highly nonrepresentative of actual hazards.

9. The EIS presents the reader with a false comparison of the costs of the actions proposed in the EIS to the risks. The only alternatives the public is offered for consideration are alternatives in the amount of waste remediation done in the reactor areas and the Columbia River. The risks to populations and cost are then based not only on the risks from the sources along the river, but also on the huge risks from wastes migrating from the central plateau. The risks and costs should be portrayed based on their actual sources. The costs associated with the cleanup along the river should not be compared to the risks resulting from the movement of wastes from the central plateau.

10. Tables B3-35 and B3-36 note that the K_d values used are in many cases guesses and gross approximations. This is inadequate. Better data is needed.

11. Table D-3 indicates that for groundwater pump and treat operations, USDOE may consider pumping the effluent into the Columbia River. The Table lists tritium levels for disposal to the Columbia River of 200,000 pCI/L and use of the Maximum Contaminant Levels (MCLs) as acceptable levels for discharge of radionuclides and hazardous constituents. Treatment should be to the greatest degree practicable, but in no case should discharge levels be allowed to exceed the MCL and subject to permitting under

the National Pollutant Discharge Elimination System.

12. The EIS references several possible quarry sources for Basalt. Among the listed sites are Gable Mountain, Gable Butte and the Arid Lands Ecology Reserve. These sites and other sites important to the Tribes for religious reasons, or for habitat protection are unsuitable for consideration.