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*"DRAFT AGENDA"*

**NRTC Meeting**
**September 5-6, 2001**
**Three Rivers Resort – Lowell, Idaho**

**Wednesday, September 5, 2001:**

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|---|---|
| 9:00 | Welcome and Introductions<br>Approve Agenda & Previous Meeting Minutes - All<br>Review Action Items - All<br>Announcements – All |
| 9:30 | Inspector General's Report on Land Transfer – Jamie Zeisloft |
| 10:00 | 300-FF-5 Operations & Maintenance Plan – Jamie Zeisloft |
| 10:45 | BREAK |
| 11:00 | Finalization of 100 Area Ecological Milestones Letter – All |
| 12:00 | LUNCH BREAK |
| 1:15 | Environmental Assessment on Existing Borrow Areas – Jamie Zeisloft |
| 2:15 | 100 Area PAS for Deleted Portions – All |
| 2:45 | BREAK |
| 3:00 | ERDF Mitigation – Lauri Vigue |
| 3:30 | ERDF Expansion – Larry Goldstein |
| 4:00 | Integration of Chromium/Salmon Studies – Jamie Zeisloft |
| 4:30 | ADJOURN |

**Thursday, September 6, 2001:**

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| 8:30 | Discussion on Long-Term Stewardship – Jamie Zeisloft/Tom Zeilman |
| 9:30 | DOE-RL Reorganization and Trustee Impacts – Jamie Zeisloft |
| 10:00 | BREAK |
| 10:15 | 1100 Area Tolling Agreement Activities – Jamie Zeisloft/Dan Landeen/Tom Zeilman |
| 10:45 | Discussion on Facilitated Meetings – Larry Goldstein |
| 11:15 | Schedule Future Meetings |
| 11:45 | ADJOURN |

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**Hanford Natural Resource Trustee Council Meeting Summary**
**Lowell, Idaho, September 5-6, 2001**

**Attendees:**

Larry Gadbois
Larry Goldstein
Susan Hughs
Dan Landeen
Jenifer Linville
Tom O'Brien
John Price
Lauri Vigue
Steve Weiss
Tom Zielman
Jamie Zeisloft

**Guests:**
Beth Bilson, DOE-RL
Connie Smith, DOE-RL
Dan Audet, USFWS

**Introductions:**
Larry Goldstein welcomed everyone to the meeting and initiated introductions. Attendees introduced themselves, and then Larry thanked Tom O'Brien for his term as Chair. Tom was presented with fishing flies and a spinning rod as a token of appreciation for his term as Chair.

**Approve Agenda and Meeting Minutes:**

Meeting minutes from the May/June NRTC meeting were approved, and the current meeting's agenda was discussed. Changes to the current agenda included switching the Salmon Study discussion to 10:00 am on Wednesday to accommodate Dan Audet, who had to leave for another meeting.

Discussion also included an announcement by Jamie Zeisloft that the Biological Resources Management Plan (BRMAP) had been finalized, and mention (by Larry Goldstein) of the discussion of the protocol of having contractors at future meetings. Dan Audet also brought up that the USFWS contract end date is September 30th.

**Review Action Items:**

The action items were reviewed and updated (See handout markups). Items that were discussed relative to past action items included making a target completion date for the NRTC web site update as the next meeting, formation of a technical work group (a technical committee, not a BTAG), and coordination with the NRTC on developing the conceptual phase of the 100-NR-2 DWP next fiscal year.

**ACTION – Jamie Zeisloft: to organize the next meeting in Tri-Cities with an agenda item to formulate a technical committee.**

**Announcements:**

Susan Hughs brought an article from the Horizon Airlines magazine that featured the Hanford elk herd and Heidi Brunkel.

Larry Goldstein announced the Nature Conservancy released an article that discusses shrub steppe habitat, fire, and recovery, and also discusses the USFWS contract to do assessment of the impacts of the ALE fire. Larry also mentioned that The Nature Conservancy has biodiversity reports available on disk.

Jamie mentioned the increase in the size of the Hanford elk herd, and also said that the Nature Conservancy/FWS proposes to survey the McGee Ranch and Riverlands. These surveys would be conducted using supplemental penalty money. Penalty money [according to Beth Bilson] is that which is paid under the Tri-Party Agreement for the wrong or late-doing by DOE. In lieu of paying penalty into the treasury, DOE also has the option of offering alternative funding for particular activity that would not ordinarily be funded, and has a benefit to the general public (e.g. revegetation, The Nature Conservancy [TNC] land purchases). Three proposals were made by the USFWS for the use of this penalty money. The USFWS proposals included revegetation, TNC biodiversity inventory, and biological monitoring. Generally proposals come from word-of-mouth about fund availability, not are not "advertised."

**ACTION** – Jamie Zeisloft: Update the Trustees on the selected proposal for penalty funding (e.g. completion of biodiversity study) when the decision is made.

Jamie Zeisloft announced that the BRMAP has been finalized and signed Keith Klein. Changes to the BRMAP included Irreversible and Irretrievable (I&I) wording from CERCLA and NEPA. Jamie also said that the I&I wording needs to be clarified in more detail in BRMiS. He proposed that a work group be assembled to revise I&I wording for the BRMiS. Dan Landeen suggested the inclusion of text describing following I&I process, how it is implemented, and whether or not it is adequate (with respect to ERDF). Copies of the BRMAP are in limited availability from Dana Ward, and will be posted electronically on the DOE web site.

**ACTION – Jamie Zeisloft: Get a hard copy of BRMAP for each member of Trustee Council. At a future meeting, schedule a BRMAP presentation and follow-up. Also send the BRMAP URL to the Trustees when the document is posted to the web.**

**ACTION – Jamie Zeisloft: E-mail section number for I&I language revisions**

**ACTION – Jamie Zeisloft/Teri Elzie: Agenda item for next meeting to assemble I&I language group**

Jamie Zeisloft announced (with no detail) that there is an opportunity to mitigate/compensate for the loss of habitat from ERDF cells 1 & 2.

Dan Audet announced that groundwater tritium staff (Eutis?) got new position in Houston and has left the Service. The Service is currently advertising for new geoscientist position. Also, Dan announced that Jeff Haas moved to Erie, PA.

Tom O'Brien announced that Brad Frazier resigned from USFWS, and moved back to Wisconsin. Three positions are being advertised in Eastern Washington and Northern Idaho (1 GS 9, and 2 GS 12 Positions).

Dan Audet reported that the advanced NRDA training workshop the first week of October is full. Because the success of the program, he feels that the course will most likely be offered on a regular basis. There was interest by all in bringing the NRDA advanced course to Hanford.

**ACTION – Jamie Zeisloft: make a call to Tom Chatman (USFWS) to bring advanced NRDA course to Hanford. (304-875-7458)**

Susan Hughs announced that Marylou Blasik retired, and that Ken Niles was her replacement.

## AGENDA ITEMS:

**Inspector General's report**

Jamie Zeisloft referred to 2 documents in the packet referring to Hanford Reach National Monument. There was debate over whether or not DOE should retain administrative control over land in the Hanford Reach National Monument. Jamie said that Federal agencies are managers, not landowners. The Inspector General's report determined that land could be transferred to DOI without impacting DOE operations, and would generate a cost savings in PILT money, while retaining some land for safety and security. RL responded with partial concurrence; including the transfer of part of Wahluke slope (excluding safety buffer around K Basins) and McGee Ranch, but not ALE. RL did not agree on the cost savings aspect of the report. RL did not agree that land transfer would not impact DOE operations. RL believes that contracts with the Fish and Wildlife Service prevent further study of ALE by PNNL, and that ALE is needed to support biological research, therefore, RL does not wish to transfer the ALE for new management. Recommendations from the Inspector General's Report changes DOE's role from management to land transfer in an Agency to Agency transfer from DOE to DOI. Connie Smith explained that excessed lands go through the GSA process [Tom Zielman wanted to be briefed on GSA process].

**ACTION – Connie Smith: Next meeting – 15 minute briefing on GSA administrative process, Action – All: send (email) questions to Connie.**

**Chromium Integration Work**

Dan Audet reported that all tasks in the Chromium Integration project were complete and that the agreement with USFWS/USGS funded by DOE terminates at end of the fiscal year. There was no discussion of renewal of the contract. The chromium integration work was performed well within budget, with approximately $10k available surplus [because Brad Frazier left]. Final numbers of the surplus will be available in October or December. Before the meeting, Dan Audet and Aaron DeLonay discussed an integrated summary for the work. Dan reported that he thought the Trustees wanted a basic summary of the work performed, an injury interpretation, and a list of what other questions need to be answered. He proposed writing a true summary of injury investigations to date, and a more qualitative approach, rather than injury quantification. Because quantification methods vary, consensus would need to be reached before injury could be quantified. Dan presented the Trustees with a proposal for the Integrated Summary work performed by USFWS and USGS.

Jamie Zeisloft mentioned that Dan's Integrated Summary proposal was extremely similar to the one proposed by Battelle. Dan Audet noted a few differences including PNNL's proposal for injury quantification, and the USGS proposal's discussion of injury/injured resources would not be based solely on the three characterization studies, but rather there was a need to consider other data sources.

Jamie responded by saying that PNNL is making recommendations for other required work. The Battelle Chromium release migration special study (shoreline) is planned for next fiscal year. This phase would also include sampling juvenile salmon for Chromium uptake/exposure.

Dan Landeen asked if the PNNL work would be performed in conjunction with the USFWS/USGS. Jamie said that DOE had requested proposals from USGS a recently as June, and had received no response from the Service or USGS. The proposal he did receive (at the meeting) was dated September. Because no other proposals arrived in a timely manner, the work went to PNNL instead of the USGS/USFWS. PNNL will have draft of the chromium integration summary by the end of October.

Dan Audet said he was concerned for the comfort level of USGS/Service working with PNNL. He didn't think it would be a good use of time to work with PNNL to interpret/make use of the data. Dan proposed working with Council to provide a summary of injuries, and wanted to have an outside peer review.

Jamie Zeisloft said that he was working under the assumption that having not received any comments on the outline from USFWS/USGS meant that the Service agreed with the outline. Jamie further clarified that under contract, USGS and Service may work independently from PNNL, but still received no response to the outline that went out for review, so the work and funding went to PNNL.

Larry Gadbois said that working with Battelle was a good idea and that the report would be valuable but PNNL doesn't often assess injury. The USGS and Service have a better background in injury assessment. Larry also said that the Trustees want a high level summary for a broad audience and a clear recommendation for a path forward based on the three current studies. Larry also thought that the PNNL study will be a treatise more than a summary, and while a valuable document, it may not be exactly what the Trustees are looking for.

Jamie Zeisloft said that the working relationship would be under the direction of the Trustees, not under RL. These studies were designed for the Trustees, and written and implemented the way the Trustees wanted.

Dan Audet said that an agreement amendment to get USGS/USFWS involved in the second task of the study is not feasible since end of contract is September 30th. He said it would be better to make new contract, with a larger effort, like that used for scientific papers (one comment period, revision then finalized). Dan also said that USGS is reluctant to work with PNNL, and would rather work under the current agreement and provide separated peer-reviewed document to the Council.

[Short break]

Larry Goldstein reminded the Council that PNNL is on its way to completing the work, and said that he hoped the summary report will meet needs of the Council.

Jamie Zeisloft said that he had solicited Trustee input and USGS/Service input. The work given to PNNL was based on Trustee input. PNNL's draft summary is due October 31st. Pathway studies have not been performed. PNNL recommended that pathway studies are conducted. RL's recommendation was to finish the Battelle integration report and have it peer reviewed (details TBD), and to determine the need for the pathway study, including the Columbia River shoreline and the collection of juvenile salmon. The full study would look at evidence of a release, a completed pathway study, and completed injury quantification. PNNL's report will help determine what additional work is needed.

Dan Audet said that the pathway study would look at Columbia River quality, whereas an effects study would be study injury.

Jamie clarified the discussion citing that the study would be similar to the N Springs study; starting with the pathway (migration of contaminant to receptor by sampling the receptor), then determining injury to the receptor, and finally interpreting exposure and risk.

The discussion turned to peer review. Susan Hughs asked how peer review works. Dan Landeen described peer review as being reviewed by expert panels and a technical group. Beth Bilson said "without peer review, what do you have?" and agreed that peer review is a good idea. She suggested that the Council reach a consensus on 4 or 5 impartial parties that could peer review, and yet not limit review by other parties.

Jamie Zeisloft stated that the report will be peer reviewed by PNNL, then given to the Council. The Council can then send it to other reviewers if they want to. He cautioned that peer reviewing by other parties could be costly—comment integration will cause more work for Battelle and is augmenting what is typically done by Battelle.

Susan Hughs wanted the USGS involved, and to have them capture the work that has been done. Susan liked idea of peer review, and thought the review should extend beyond PNNL's standard in-house review. She saw difficulty in having the USGS involved at a level that DOE wants them involved.

Jamie Zeisloft said they are too far along to get the USGS involved. Asking for peer review this late in the process is difficult. To avoid future problems, USGS/USFWS should have comment resolution in a timely manner (e.g. proposing peer review back in June when review request went out). Beth Bilson proposed a procedure be written for requesting and submitting proposals.

The general consensus of the Council was that PNNL needs to have review outside of Battelle.

> **ACTION – Jamie Zeisloft: What does Battelle plan to do with peer review of this document? Send their response to the Trustees, then get input from the Trustees. Summarize Trustee Council concerns, tell PNNL the issues and ask them how they're going to deal with them. PNNL peer review process insufficient, ask for recommendations. Report recommendations to Trustees and make decision.**

Larry Goldstein suggested that the Council explore a technical assistance grant (broad or task-specific) to prepare the data summary.

Jamie Zeisloft said that they are waiting for letter to address technical work group issue. Organization of a technical assistance group is a Tri-party decision, it is not unilateral.

The path forward for the chromium integration study was to find out what peer review process Battelle had in mind, and give Trustee input on the issue. It was also resolved that technical assistance to ensure EAs would depend on outcome of the Council letter to the Tri-Parties.

**100 Area PAS/Deleted Portions Discussion (Day 1)**

Before Dan Audet left the meeting, Jamie Zeisloft wanted to discuss the 100 Area PAS and land transfer of deleted portions. Jamie said there was a need for a Preassessment Screen (PAS) for the deleted portions of the 100 Area NPL. He inquired as to whether the Council should write a PAS, and cited its relevance with the Inspector General's report and the need of a PAS before land can be transferred. Dan Audet said that a PAS won't influence the Department of Interior's policy on land transfer. Connie Smith cited a policy with a caveat that said a high level decision can be made to make land

acquisition if the public is benefited by the land transfer. Jamie reminded the Council that a PAS is required under CERCLA, and emphasized the benefit to pulling information together. Beth Bilson said that DOE is focusing on closure and finishing the River Corridor mission. Trustees should have understanding on what is expected and in what time frame. Jamie asked if the Trustee issues were resolved on the CERCLA closed-out lands and if they land can be transferred. [discussion to resume at 9:30 on Thursday]

[Lunch Break, Dan Audet departs]

**Finalization of the 100 Areas Ecological Milestone Plan (Letter)**
Larry Goldstein announced that Draft G of 100 Areas Ecological Milestone Plan letter is in the packet and that changes need to be made by consensus. Larry Gadbois said that the exact wording is not so important, and that the importance lies in getting the ideas of the Trustee Council into negotiations.

Larry Goldstein discussed the proposed changes with the Council. He said the revised letter is shortened and more to the point. He encouraged working with the Tri-Parties and said that the changes in the letter were consistent with the Tri-Party Agreement. There was endorsement from the Council for having a milestone in the 100 Area for ecological assessment. Larry proposed that the Council work cooperatively to ensure protection of ecological health and the environment, and that it would be beneficial to have biological assessments performed earlier in the process, as required by regulations and MTCA. The design of remedial actions could be improved based on the results of biological assessments. Larry Goldstein thought the Council could negotiate with the Tri-Parties for the M-16-00F (?) milestone. Larry thought the Council would want to work with the Tri-Parties on the biological assessments, but not take the place of a BTAG (Biological Technical Assistance Group). It was recommended that the Tri-Parties attend next Council meeting (Nov./Dec.) and that the successes of ecological assessment be reported.

In response to Larry Goldstein's discussion, Jamie Zeisloft said that RL advocates Trustee involvement with the Tri-Parties in the cleanup process. RL does not agree with some issues (sensitive). While he felt that the concept of the letter was good, concurrence would be difficult when there are known issues DOE does not agree with presented in the letter.

Beth Bilson said that DOE will say no to a milestone. She said that milestones will be made for major sections of cleanup. She said that while changing cleanup is important, it doesn't require a milestone. The decision could be made under another document, but will not become a milestone.

Tom O'Brien said that the Council is looking for milestones to match Hanford cleanup, and would like biological assessments to be incorporated into the process in the same timeframe as the current DOE milestones.

Larry Gadbois favored ecological assessments addressed in the River Corridor closure process. Jamie Zeisloft wanted ecological risk assessment as part of the cleanup, and

advocated having the Trustees involved and to provide input into the process. He thought that it would require a connection with the Tri-Parties and the Council to get the assessment done. Beth Bilson said that milestones exist for each reactor area, and that environmental assessments corresponding to those milestones makes sense. Jamie Zeisloft endorsed ecological risk assessment as part of remedial investigation (as required by CERCLA) versus separate milestone.

Beth Bilson commented that it is more difficult to get action and direction through headquarters with use of a defined "milestone." Susan Hughs said that to the Trustees, having a milestone is assurance that the ecological assessments will get done. Beth told the Council that having a milestone does not guaranteed funding. Larry Goldstein asked Jamie/Beth if having different/weaker language may be more effective. The conclusion of the discussion was that RL would not support the letter without changes in wording. Jamie Zeisloft told the Council that there would be unanimous support with change of wording in the letter, otherwise RL would abstain from Trustee vote.

Beth Bilson suggested changing the milestone wording to "formal commitment" and emphasized that formal commitment can have changes at a lower level than milestones [i.e. no direction from HQ]. Larry Gadbois suggested bringing up milestone M-16 in context of the discussion. Jamie Zeisloft agreed with Larry and said it is essential that baseline ecological risk assessments be performed in the RI/FS process.

Larry Goldstein agreed that the M-16 milestone sets the context of the letter and the letter is asking for ecological assessment early on in the RI/FS process, and for a timely closure of the River Corridor.

Tom O'Brien said that he wanted the ecological assessment process to continue into future RI/FSs. Tom Zielman suggested that the outcome could be a model for future closures.

Larry Goldstein summarized the contributions to the discussion and said that the consensus was that the Tri-Parties need to uphold statutory requirements to protect human, ecological, and environmental health.

Tom O'Brien said that the Trustee Council concern is that injured resources not addressed in the RI/FS process could be as a result of them not being addressed.

John Price thought that the Trustees should be consulted on remedial activities and that they need more to work with.

Jamie Zeisloft said that the Past Practice Strategy (PPS) is being followed, but may need to change. Beth Bilson said in order to make the changes, we may need to revisit the PPS, but they should look at the values and concur on them first.

[All: discussion about changes to the text] Discussion included changes in verbiage to the letter. Jamie asked why there was a need for pre and post-ecological risk assessment

and clarified post-cleanup will be monitoring, not assessment. Pre-remediation risk assessment would be baseline. John Price said that pre-cleanup work would be used to determine which receptors drive cleanup and would use post-remediation data to calculate risk.

**ACTION – Larry Goldstein: Incorporate changes to the letter and send a final draft for review with a deadline for response to Trustees to get finding/final letter sent to tri-parties.**

[Break]

**ERDF Mitigation & Expansion**

Discussion about the mitigation for ERDF cells 1&2, and ERDF expansion was initiated by Lauri Vigue and Larry Gadbois. Lauri had recently talked to the attorney general and was in the process of negotiating a strategy for a restoration workgroup for ERDF Cells 1&2.

Larry Gadbois discussed the current status of ERDF. The ERDF has 4 cells now, and 3 of 4 are full. A new ROD amendment will include expansion with 4 cells - 5,6,7 & 8, and will address a staging area for waste needing to be treated. Beth Bilson included that the cell volume is not significantly larger than originally intended. Jamie Zeisloft pointed out that waste minimization is in practice at ERDF, and that soil that can be treated is not disposed to the ERDF.

Currently there is a mitigation action plan (MAP) for ERDF. The MAP has been implemented, but does not specifically require NEPA compensatory mitigation. The expansion of ERDF is not a NRDA issue with respect to injury of natural resources. The BRMAP tied to mitigation for impacts of ERDF. There was no compensatory mitigation with Cells 1 &2 because BRMAP was being drafted. Mitigation was required under BRMAP for cells 3&4. Future expansion of ERDF will require the implementation BRMAP and the MAP. There is funding available for NEPA mitigation for Cells 1 &2 on ALE (original 170 ac for Cells 1&2, staging areas). Approximately 510 ac (3:1 ratio) of compensatory mitigation would be performed for Cells 1 & 2. There is an interagency agreement with the Richland office of USFWS to perform mitigation. The agreement proposes that the Nature Conservancy assess the impacts of the June 2000 fire, identify sage grouse habitat, and focus revegetation areas of sage grouse habitat. Another objective of the ERDF mitigation would be to habitat replacement to mitigate for fire. The mitigation strategy would involve seed collection, propagation, revegetation, follow-up monitoring.

Dan Landeen recommended stabilization of the north end of ALE (by Yakima barricade) to prevent blowing sand/erosion.

Jamie Zeisloft said that onsite revegetation in the 200 Area would be difficult and expensive, He also said that revegetation in that area may be prone to failure due to wind scour and erosion. Jamie also said that mitigation for Cells 7 & 8 will fall under BRMAP

guidance and that the Trustee Council would be involved in the site selection process. The revegetation procedure for the ERDF mitigation would be the same as that used for the W-519 mitigation. Jamie also mentioned that the BRMAP will not apply retroactively.

Larry Goldstein wanted a copy of the proposal and scope of work for Trustee Council review, agreement, concurrence, and finding.

Dan Landeen said that the BRMAP specifications for revegetation ratios may vary based on habitat quality, and would be a good starting point for mitigation negotiations.

Connie Smith said that DOE wanted concurrence on the 3:1 ratio recommended in BRMAP so they can go back to the managers and get the mitigation underway.

Lauri Vigue said that she would like further discussion on the State's position.

Jamie Zeisloft said that there was a contractual obligation to revegetate on ALE or North Slope because of the contract with the USFWS. He also said that FY 2001 funds are allocated to the contract, and it is too late to reallocate funds to onsite revegetation.

> **ACTION – Jamie Zeisloft: Draft letter (re: Cells 1&2 mitigation) and send to Trustees ASAP (by the 14th of September), including site selection.**
>
> **ACTION – Larry Goldstein/Teri Elzie: Set up conference call on ERDF mitigation (within 10 days) – re: letter transmittal, site selection. Conference call, 2:00pm on the 17th of September.**

Jamie said that seed collection needs to happen this fall and will not be held up by site selection.

Larry Gadbois mentioned that a mitigation plan is needed for ERDF Cells 5,6,7 &8. The area proposed for the expansion used to be prime habitat but is now charred, and Larry questioned the realistic habitat value.

**300-FF-5 Operation and Maintenance Plan**

Discussion of the 300-FF-5 Operation and Maintenance plan was initiated by Jamie Zeisloft and Larry Gadbois. The 300-FF-2 ROD (for source OU) included requirements for groundwater and ecological monitoring. The groundwater and ecological monitoring is due to be completed through the 300-FF-5 Operations and Maintenance Plan. The selected alternative for treating Uranium in groundwater is natural attenuation. Shoreline and terrestrial impacts will also be examined in the O&M plan (contains SAP for FY02). PNNL and the Department of Health are performing biota sampling. Investigations at the 618-11 burial ground include drilling wells in the vadose zone. The outcome of the burial ground drilling may require long-term monitoring, and will help shape activities under the CERCLA O&M plan. Samples have been analyzed by PNNL and the Department of Health with a final report due in February 2002 (possible status of

PNNL/Health investigation at November meeting). Requirements for ecological monitoring will be detailed in the DQO. There are 3 years of terrestrial ecological monitoring and groundwater-to-shoreline monitoring tied to CERCLA RODs.

Larry Gadbois discussed that the 300 Area is zoned industrial, and that outlying sites are mature shrub- steppe. They are in the process of determining what exposure model should used inside/outside the fence. 300 Area cleanup is industrial. Lots of assumptions will be validated by the Uranium Kd leach study which take cores of U-contaminated soil. If the Kd leach test shows that the ROD cleanup level isn't a good assumption, the ROD will be revisited.

Jamie Zeisloft led the ecological monitoring discussion. He said that the approach is a contaminant-driven ecological monitoring program. Needs for the program include seep monitoring and river water monitoring. The results of the Department of Health/PNNL study will guide the development of the O&M. The Department of Health/PNNL are sampling milfoil, periphyton, and clams as indicators. The current study is not a pathway study, but rather is driven by DOE order for protection of the public.

Larry Gadbois wanted Trustee Council comments on the sampling results and input for proposed receptors in a risk model.

Jamie Zeisloft said that a DQO is required for the next SAP phase. The DQO will address biota tissue, list the COCs, and the distribution or contaminants. It will also look at pathways and distribution within the receptors. Drivers of additional remedial actions may be determined by concentrations of COCs present in biota tissues. The O&M plan should be finalized around the next meeting (November).

> **ACTION – Jamie Zeisloft: 300-FF-5 O&M plan on agenda for next meeting, FF-5 PMs attend next meeting.**

**Environmental Assessment of Borrow Areas**

Comments on the Environmental Assessment of Borrow Areas are due September 12th. Dan Landeen approved of not including Gable Mountain and Gable Butte in the EA. The EA only addresses current borrow sites, and will follow guidance from BRMAP and Industrial Mineral Resource Management Plan. Borrow sites will have to go through cultural and ecological surveys, and adhere to BRMAP and NEPA guidance.

Tom O'Brien asked if there was a plan to reclaim/recontour borrow areas? Jamie Zeisloft said that there was no plan to reclaim borrow areas. The environmental assessment covers active borrow sites for next 10 years (pending decisions for barrier covers, tank farms) and the development of the Industrial Mineral Resource Management Plan. [CDI not covered in this EA.] A list of management plans was used to implement the CLUP (e.g. industrial mineral resource, bald eagle, salmon and steelhead, aesthetic/landscape, etc.) The Industrial Mineral Resource Management Plan is to be issued as a working draft, and will be released for external review. The Mineral Resources Management Plan discusses

the opening, closing, and reclamation of borrow areas. The Mineral Resources Management Plan will not be retroactive. In the Mineral Resources Management Plan, NEPA coverage was expanded for new operations (waste treatment, barrier covers). All Trustee agencies have been consulted, and the document is out for comment. Commitments have been made to assess impacts from borrow site activities. (8 million cubic yards, additional surface area disturbance of 10%)

Larry Goldstein asked if there was a commitment for mitigation for vitrification plant footprint. Jamie Zeisloft and Dan Landeen replied that mitigation was completed in 1998 (on ALE) but burned in the June 2000 range fire. The mitigation plants are being replaced using BAER funds. Additional mitigation will be required for Pit 30. Individual MAPs will be developed for individual actions. Environmental Assessments will be site specific and should follow guidance of BRMAP and Industrial Mineral Resource Management Plan.

[Goldstein summarized action items, Adjourned]

**Natural Resource Trustee Council Meeting**
**Lowell, Idaho, September 6, 2001**

Attendees:

Beth Bilson
Connie Smith
Dan Landeen
Jamie Zeisloft
Jenifer Linville
John Price
Larry Gadbois
Larry Goldstein
Lauri Vigue
Steve Weiss
Susan Hughs
Tom O'Brien
Tom Zielman

**100 Area PAS/Deleted Portions**

Jamie initiated the discussion of the 100 Area PAS and Deleted Portions. He cited CERCLA Regulations (subpart G 300.615), the Trustee ability to perform damage assessment. Damage assessment starts with a preassessment screen (PAS). A PAS is used to determine whether a damage assessment needs to be performed. So far, this has not performed in a timely fashion for the deleted portions. The North Slope and riverland sites have been deleted from the 100-IU-1 OU NPL. The beginning of the statute of limitations is in question. Did the clock start ticking when the first portions were deleted? Traditionally, CERCLA closeout reports have been used as the point at which the clock starts for statute of limitation. In this case, EPA published a NOI to delete, but there was no closeout report (or only a draft and not finalized). Cleanup is now complete in the deleted portions and there is question in whether or not there is a need to perform a PAS that would include 100-IU-1.

Beth Bilson described completed work. Remediation had been completed from the 100 B/C Areas to the Vernita Bridge this year, and between Energy Northwest to the Hanford Townsite. The project is still working on closing out wells between Energy Northwest to the Hanford Townsite and should be finished next year. Beth asked if deletion should be pursued as each OU is completed or if deletion should coincide with the end of the 10-year (2012 Corridor Remediation) period. Beth solicited Trustee Council input on how their needs could be implemented in future planning/identification of Trustee issues.

Jamie Zeisloft envisioned a PAS with many chapters. The closeout may or may not trigger the statute of limitations. A decision needs to be made whether or not to proceed with a PAS now that the cleanup has been completed. The process from cleanup to closeout to deletion from the NPL will make land available for other uses as defined by CLUP, or for land transfer. Jamie believes the Trustees should be involved immediately after closeout, where the statute of limitations would begin.

Larry Goldstein said that the 2012 Plan status is uncertain, but that it gives the Council something to work with in developing a strategy.

Tom Zielman thought the Trustees should look at areas beyond deleted portions. He recommended preassessment screens for all OUs with RODs. Jamie Zeisloft agreed with Tom Zielman, but thought that mandating preassessment screens for all OUs with RODs could be too aggressive of an approach. The 100 Areas are huge and encompass a variety of activities. Jamie recommended that PAS be divvied up to address Trustee responsibilities in the 100 Areas, and managed one step at a time. He also advocated earlier involvement in the process, stating that looking at sites after deletion, transfer, or change of land use is a late start.

John Price thought it would be valuable to have a PAS before CERCLA closeout. Larry Gadbois pointed out that there are problem sites like Horseshoe Landfill where cleanup was completed and an issue was identified post-remediation. He thought it better to identify issues early on and work with remedial processes.

Tom Zielman thought more attention should be paid to schedules for sites far along in the remediation process.

Dan Landeen asked how to answer the question of injury when there is no biotic sampling data available. Jamie agreed that there is a need for ecological monitoring. He believes that ecological risk and ecological monitoring data are needed to close Trustee issues and transfer land.

Beth Bilson said that DOE is under pressure to remediate quickly (2008), and that these actions would integrate cleanup with the CERCLA approach.

Jamie thought that DOE as a Trustee should be conducting a PAS. Connie Smith is working on land transfer agreements.

Larry Goldstein said that the Trustee Council has been working on a strategy, mechanism, and framework for path forward. He also sees the need to fulfill Trustee responsibilities in a timely matter.

Jamie Zeisloft would also like to see cleanup done right the first time, but if something is identified in the PAS, clean it up and move forward. He also believes a PAS is a good check to see if anything has been missed- it is a Trustee responsibility. Jamie said that RL is looking at whether or not Trustees have responsibility to do PAS for deleted portions of the 100 Area to facilitate future remediation. DOE feels it has that responsibility as a Trustee. Jamie cited the 1100 area as an example and recommended using literature and collected data to perform the preassessment screen.

Dan Landeen and Tom O'Brien discussed what efforts have been initiated in the PAS process. Dan Landeen and Barb Harper worked on drafting PASes for other reactor areas (100 Area and 300 Area PAS), and gathered extensive amounts of literature.

Larry Goldstein thought it would be advantageous to consider these options before NRTC meetings. He found it difficult to get agreement at a meeting. He believes it is his responsibility as chair to get these issues to the Council before the meeting so they can be effectively discussed, and thinks the approach should be broadened.

Dan Landeen agreed that PASes should be performed for the deleted portions. Tom Zielman said that he was not proposing to tackle the whole thing at once, but rather advocated involvement earlier in the process. Larry Goldstein wanted to see a schedule of activities for different parcels of land that will carry the Trustees forward. Beth Bilson mentioned that DOE reacts better to financial requests that act predictably. Budget can be formulated to do the work, and to forecast goals.

Dan Landeen proposed a ½ day strategy meeting for next meeting. Using 2012 River Corridor as a starting point.

> **ACTION – Jamie Zeisloft: Information on delisted sites for the next meeting- what data needs are out there, scope of work for PAS.**

> **ACTION – All: Review the 2012 River Corridor plan before next meeting. Presentation overview at next meeting.**

Jamie said that the idea of doing a PAS has received some support from ER group, but nothing focused on closure, deletions, alternate uses. DOE has a dual role as a Trustee and a PRP. Once CERCLA actions are finished, it becomes a Trustee issue. There is a need to coordinate Trustees and RL to address post-CERCLA issues. As a Trustee, Jamie said a PAS should be performed. There has been discussion of hiring an intern to generate the information document. He noted that the document written for 1100 Area was valuable and useful. He also thought it would be beneficial to develop an RL/Trustee program to foster the dual-role and that the program should be closely integrated during and after the CERCLA cleanup process.

> **ACTION – Jamie Zeisloft: Send the 1100 Area information report to Larry Goldstein.**

The path forward on the PAS is to be addressed at a future meeting. There was conceptual approval to work with RL on a PAS for deleted portions pending more information on those areas being discussed. The Trustees will review information to get a sense of the scope of the work needing to be done. The next meeting will be conducted ½ day early to discuss strategy for broadening the PAS and working with the 2012 framework.

> **ACTION – Larry Goldstein, Teri Elzie, Steve Weiss: Make sure we have a good map that we can post during meetings. Maps with mylar overlays for land use, cleanup, etc.**

**Long Term Stewardship**
Tom Zielman initiated conversation on long-term stewardship. He stated the requirement for site-specific reports to be prepared by 2004.

Jamie Zeisloft announced that Jim Daly will be attending the next meeting to discuss long-term stewardship. He noted that DOE's long term stewardship program is still in the development phase and comes from HQ guidance. Beth Bilson clarified that Jim Daly is the lead on Hanford-specific document and that Hanford is ahead of other facilities because of site closure. The North Slope and ALE area already under long-term stewardship. Other sites are moving forward in an accelerating fashion because of site closeout.

Dan Landeen and Tom Zielman mentioned the State Tribal Government Working Group and discussed a draft document of Natural Resource Defense Council (?). Tom Zielman cited a document by Resources for the Future that makes recommendations and questions whether DOE should do long-term stewardship. It also discusses task forces. There is debate over long term stewardship and how would it be implemented. There is also a need for congressional guidance to define effective administrative controls based on statute.

Jamie Zeisloft said that the CERCLA requirement is to have an Institutional Control Plan. A Long-term Stewardship Plan is a DOE requirement. The Institutional Control Plan is Appendix A of the Long-term Stewardship Plan.

Tom Zielman thought there was a lack of addressing resource damage issues in long-term stewardship.

Beth Bilson would like to see a River Corridor focus, as it will help DOE be better prepared to deal with the Central Plateau.

Larry Goldstein asked how the CLUP and monument designation factor in to long term stewardship at Hanford. Beth Bilson said that the CLUP is central NEPA document that discusses land use over the next several years. The Institutional Control Plan tiers off of the CLUP very closely. DOE is working with a USFWS guidance committee to make sure DOE is integrated with their management under the monument designation. The USFWS is committed to producing documents.

Larry Goldstein suggested Long Term Stewardship remain an agenda item for next meeting, and to bring in Jim Daly as presenter to give an overview of federal & state regulations that will be major part of this discussion. Beth Bilson wanted to include the perspective of the State Tribal Government Working Group.

**DOE-RL Reorganization and Trustee Impacts**
Beth Bilson led the discussion of the DOE-RL reorganization and its impacts on the NRTC. Two years ago, RL reorganized and took over the Environmental Restoration

organization. The ER program works with technical work and technical integration, with a second group working on business/business integration. Below that level is the Project (River Corridor). The stratified organization maintains checks and balances within the organization. There is focus on 3 combined site incomes, the River Corridor (environmental management), the Central Plateau (waste management, vitrification plant), and the Focus on the Future (including long-term stewardship, less focus than other two emphases). Beth is the Assistant Manager of the River Corridor, and someone else is in charge of Central Plateau.

Tom Zielman questioned the dual role of DOE. He thought that the Trustee DOE was not concerned with budget, while the PRP DOE was concerned with budget/cost effectiveness. Beth disagreed saying that anyone working for Congress is focused on budgets. The difference in the dual role is not focused on the budget, but rather on the work. John Sands' responsibility is to conduct the records of decision, deliver the deletion of the 100/200 Area. Dan Landeen was confused by John Sands' role. Beth Bilson clarified that John Sands' role represents the project and that DOE will continue to have a person reporting from the project. Jamie said that John Sands filled in for Tom Ferns on a temporary basis, John is temporary. In that capacity, John Sands needs to be copied on Trustee correspondence. Jamie Zeisloft's responsibility is to protect natural resources. Beth said she didn't want to imply that there is a financial limit to protect natural resources. Jamie noted that DOE can't commit to work without funding (e.g. ERDF mitigation).

Larry Goldstein thought the Council needed to be more direct in working with DOE.

Beth Bilson thought a strategy needed to be built to determine what will make the River Corridor cleanup a success. She also said that being able to deliver a successful project means interaction with upper management to deliver funding to ensure the work gets done, and that it gets done well.

Connie Smith noted that the OCC (Office of Chief Counsel) is another reason to get involved early.

**ACTION – Teri Elzie: Send latest contact list (email) to Trustees.**

**1100 Area Tolling Agreement**

Tom Zielman reported that the tolling agreement was signed at the last meeting (1st week in July). The agreement tolled the statute of limitations for Horseshoe Landfill and Horn Rapids Landfill.

Jamie said that RL's position was they had data that surface organisms had been exposed to DDT. Sampling would start with sampling within the top two feet of soil (exposure) and if DDT was encountered, they would chase the contaminant footprint vertically and horizontally. There were two options for sampling: Excavate the top 2 ft of soil, with 5-10 additional sampling locations and borings at 5-10 feet; or to execute the sampling plan as it stands, combined with ecological monitoring (& limited biota sampling) over a

multiyear period. Favor lies for option #2. It would be easier to stay within the sample design of the monitoring plan. An additional study of migration through food chain would also be conducted. The following questions were raised- how long do you monitor, and what are the action levels? There is a ROD commitments to do ecological monitoring in the 300 Area, with technical assistance from the USFWS. Ecological monitoring could be the solution to the problem. Horseshoe Landfill could be a model to design a post-cleanup monitoring validation/confirmation that contamination is not moving out of those waste sites. Monitoring would compliment to confirmatory sampling.

Larry Goldstein wanted to see biomonitoring and the use of MTCA as an ARAR. He thought there were good guidelines in the MTCA amendments for ecological assessment.

Susan Hughs asked what standards for biological monitoring were expressed in the 300 Area ROD? Larry Gadbois reported that no specific action levels were specified in the ROD.

Jamie Zeisloft said that sampling at the Horseshoe Landfill should begin as soon as possible, collecting darkling beetles and soil. The sampling will be using the action level of 1 ppm. (MTCA level is 0.75 ppm for robins and earthworms, Ken's site/species specific action level is 1.5 ppm) There is a need for technical assistance and agreement on action levels. Biological monitoring would sample receptors in the known pathway. In lieu of complete excavation, biological monitoring could be used. The USFWS asked for monitoring at sites where there was incomplete removal of waste.

Larry Goldstein discussed the TCE plume and is in the process of developing a white paper for the Horn Rapids Landfill. Natural attenuation is occurring more rapidly than expected. Jamie Zeisloft said they will be meeting cleanup objectives of the RODs sooner than expected and that Horseshoe Landfill can be thrown into existing monitoring program.

**Facilitated Meetings**

Larry Goldstein invited discussion of facilitated meetings. Dan Landeen thought there was no need for facilitator. Jamie Zeisloft agreed with Dan. Lauri Vigue has had experience with professional facilitator and thought that Larry Goldstein was doing a great job facilitating, and as long as Larry was is in control, there would be no need for facilitator. Lauri proposed an amendment to bylaws to include Chair as facilitator, if the Council concurs. She also said that it could be beneficial to have facilitator if necessary on some occasions. Tom Zielman agreed with Lauri.

Susan Hughs thought everyone should take responsibility to keep things moving and that there may be occasions with contentious topics that warrant having a facilitator. Beth Bilson recommended that the Council have a facilitator at the PAS strategy meeting to get the desired result.

Dan Landeen believed the meetings were more effective when Jamie Zeisloft had other RL representation (legal and upper management), to offer different perspectives.

Lauri Vigue proposed meeting with only Trustees, and excluding PRPs to strategize paths forward.

**Other Issues**

Jamie Zeisloft thought the work group and committee structure were in shambles. He proposed adjusting the frequency of meetings to make things run smoothly. He questioned the usefulness of committee meetings vs. Council meetings. He also asked the Council to consider what they wanted the technical work group to look like.

Larry Goldstein proposed work group meetings before scheduled Council meetings. He suggested that they make time before the next meeting to discuss committee structure, and the technical work group.

Larry Gadbois recommended purging the list of work groups on the distribution list and suggested a Resolution to disband committees. Larry proposed a resolution to inactivate the committees/work groups, and proposed the subject as topic for next meeting.

Larry Goldstein had no information on whether a resolution needed to be drawn. A vote was taken on Larry Gadbois' proposal to inactivate outdated working groups and committees. Vote: Dissolving working groups and committees except web page. Unanimously Yes.

Jamie Zeisloft advised that the Trustees pull together ideas of what they want in their technical work group. Beth Bilson wanted them to focus on what aspects would be successful. Connie Smith thought the team should consist of current Hanford employees versus outside hiring. Beth Bilson said that she saw MTCA as a point of coordination, and that DOE will look for answer that will satisfy many people.

> **ACTION – Teri Elzie: Contact List Update, On Tom O'Brien's e-mail, take out word "mail" on email address. Remove committees/work groups from the contact list.**

**Schedule Future Meeting(s)**

Last week in November Wednesday and Thursday, 28th-29th. Tom O'Brien will not be available (can get substitute). Two full days- half day meeting for strategic planning in the morning (8-12 for full Council) of the 28th. Next meeting, November 28-29 in Tri-Cities.

January/February 31st/1st, Olympia hosting. To be held at Ecology (?). Yakima backup location.

[Adjourned]