

950517-41  
FAX

To: Hanford Trustees - River Committee

0074957

Susan Coburn Hughes

Paul Kube

Mike Bauer

Stan Sobczyk

Geoff Tallent

Chris Burford

cc: Linda Goodey

Six pages  
total

RECEIVED  
DEC 20 2007

EDMC

From: Larry Gadbois  
(509 376-9884)

The attached should bring you up to speed  
on the EPA/Ecology and DOE dispute re:  
Cr<sup>+6</sup> in the 100 Area groundwater.

Larry



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10 HANFORD PROJECT OFFICE  
712 SWIFT BOULEVARD, SUITE 5  
RICHLAND, WASHINGTON 99352

May 18, 1995

Linda K. McClain  
Assistant Manager for Environmental  
Restoration  
P.O. Box 550, A4-83  
Richland, Washington 99352

Re: 100 Area Groundwater Proposed Plans (014477)

Dear Ms. McClain:

The U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) have received your letter of response (Dale E. Jackson to Douglas R. Sherwood and Steve M. Alexander dated May 12, 1995) to our "Notification of Intent to Invoke Informal Issue Resolution: Pump and Treat for 100-HR-3 and 100-KR-4."

Ecology and EPA continue to be extremely frustrated with delays to issuance of proposed plans and focused feasibility studies for the 100 Areas. Late last year, EPA and Ecology agreed to defer work on the 100-BC-5, 100-HR-3, and 100-KR-4 Proposed Plans and Focused Feasibility Studies, while we worked informally to revise the 100-BC-1, 100-HR-1, and 100-DR-1 Proposed Plans and Focused Feasibility Studies. It is now mid-May and not one of these proposed plans has reached public comment even though we have had repeated informal agreements to do so.

Ecology and EPA can no longer continue this unsuccessful informal working arrangement with the U.S. Department of Energy (DOE). We expect DOE to submit written responses and revised proposed plans for 100-HR-3 and 100-KR-4 on or before the June 9, 1995 date as proposed in the May 12, 1995 letter. It should be noted that in accordance with provision of Section 9.2.1 of the Action Plan in the Hanford Federal Facility Agreement and Consent Order, 100-KR-4 responses were due 30 days after submittal (May 11, 1995) and revised proposed plans are due 45 days after submittal (May 26, 1995). Comment responses and revised documents for 100-HR-3 and 100-KR-4 are due to Ecology and EPA by June 9, 1995.

The primary issue raised in our comments is the selection of the preferred alternative identified by the DOE. Ecology and EPA cannot agree to an institutional control alternative as proposed by DOE. Ecology and EPA maintain that the potential impact of hexavalent chromium on juvenile salmon justifies the need for action. This message is not a new one.

Linda K. McClain

-2-

May 18, 1995

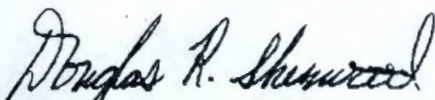
In fact, Ecology and EPA have taken the time and effort to visit another hexavalent chromium remedial action site in Region 10 with DOE's contractors to illustrate the effectiveness of such treatment and provide actual cost data to reduce the projected costs of these actions.

DOE continues to expend funds to reassess existing data and develop new scenarios to justify institutional controls. DOE and its contractors continue to pursue efforts such as development of a "Comprehensive 100 Area Groundwater Strategy Document" to assist in the decision-making process. Ecology and EPA request a full accounting of the expenditures to support the 100-BC-5, 100-KR-4, and 100-HR-3 Operable Unit investigations since the submittal of the proposed plans in September and October of 1994. It is our impression that although Ecology and EPA have agreed to cut back groundwater monitoring requirements and delay action on the proposed plans, that DOE continues to expend resources for little additional environmental value. Please supply the requested cost information by June 9, 1995 along with the revised documents.

If DOE, Ecology, and EPA are not in agreement as to the preferred alternative for remediation of 100-HR-3 and 100-KR-4 by June 9, 1995, Ecology and EPA will enter into formal dispute resolution under Paragraph 59 of Part III of the Hanford Federal Facility Agreement and Consent Order.

Please contact either of us should you require additional clarification regarding the matters addressed in this letter. We may be reached at (509) 376-9529 or (509) 736-3045 respectively.

Sincerely,



Douglas R. Sherwood  
Hanford Project Manager  
U.S. Environmental  
Protection Agency



Steven M. Alexander  
Perimeter Area Section Manager  
Washington State Department  
of Ecology

cc: Tanya Barnett, AG  
Andy Boyd, EPA  
Julie Erickson, DOE  
Mike Gearheard, EPA  
Mary Harmon, DOE-HQ  
Dale Jackson, DOE  
Steve Liedle, BHI

Jim Rasmussen, DOE  
Randy Smith, EPA  
Phil Staats, Ecology  
Roger Stanley, Ecology  
Mike Thompson, DOE  
Mike Wilson, Ecology  
Administrative Record



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10 HANFORD PROJECT OFFICE

712 SWIFT BOULEVARD, SUITE 5

RICHLAND, WASHINGTON 99352

April 25, 1995

Dina L. Murphy  
Acting Tri-Party Agreement Manager  
U.S. Department of Energy  
P.O. Box 550, A5-15  
Richland, WA 99352

Re: Notification of Intent to Invoke Informal Issue Resolution:  
Pump and Treat for 100-HR-3 and 100-KR-4.

Dear Ms. Murphy:

This letter is official notification that the U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) invoke informal issue resolution regarding the preferred alternatives for the 100-HR-3 and 100-KR-4 operable unit proposed plans. The EPA is the issue advocate for the 100-KR-4 operable unit, and Ecology is the issue advocate for 100-HR-3. Initiation of this issue resolution is pursuant to the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Issue Resolution Process (Tri-Party Agreement Handbook Management Guidelines, number TPA-MG-11).

The EPA and Ecology (regulators) have received Draft "A" of the proposed plans for the 100-HR-3 and 100-KR-4 operable units from the Department of Energy (DOE). The two proposed plans identify "Institutional Controls/Continued Current Actions" as the preferred alternative. The regulators expect the preferred alternative to include full scale pump-and-treat systems in both operable units with remedial action objectives of plume containment to protect the Columbia River. Unit Manager discussions over the past months, including a meeting today have failed to resolve this issue among the Tri-Parties.

The regulators request that DOE provide written position papers within 15 days (by May 10), and we will do the same. This information will form the basis for completion of the issue analysis worksheet. We invite discussions with DOE during this 15 day period to ensure the position papers remain focused and address the specifics of the issue. For additional information and to initiate discussions, please contact Laurence Gadbois (509) 376-9884 and Wayne Soper (509) 736-3049.

Sincerely,

*Laurence E. Gadbois*

Laurence E. Gadbois  
100-KR-4 Unit Manager  
Environmental Protection  
Agency

*Wayne W. Soper*

Wayne W. Soper  
100-HR-3 Unit Manager  
Washington State Department  
of Ecology

014477

**Department of Energy**

Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

MAY 12 1995

HANFORD PROJECT OFFICE

MAY 12 1995

ENVIRONMENTAL PROTECTION  
AGENCY

Mr. Steve M. Alexander  
Perimeter Areas Section Manager  
Nuclear Waste Program  
State of Washington  
Department of Ecology  
1315 W. 4th Avenue  
Kennewick, Washington 99336-6018

Mr. Douglas R. Sherwood  
Hanford Project Manager  
U.S. Environmental Protection Agency  
712 Swift Boulevard, Suite 5  
Richland, Washington 99352

Dear Messrs. Alexander and Sherwood:

CONTRACT NO. DE-AC06-93RL12367 - RESPONSE TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY's (EPAs) "NOTIFICATION OF INTENT TO INVOKE INFORMAL ISSUE RESOLUTION: PUMP AND TREAT FOR 100-HR-3 AND 100-KR-4"

This letter is in response to your notification of intent to invoke dispute resolution, dated April 25, 1995, regarding the Proposed Plans (PPs) for the groundwater operable units (OUs) 100-HR-3 and 100-KR-4, which was received by the U.S. Department of Energy, Richland Operations Office (RL), on April 26, 1995. Although there have been numerous Unit Manager meetings over the past several months, by agreement of all parties, discussions regarding the documents for the groundwater OUs were set aside in order to focus on source OU issues. The meeting on April 25, 1995, was the first meeting this year to address groundwater OU issues.

At the meeting on April 25, 1995, RL was provided with written comments from EPA and the State of Washington Department of Ecology (Ecology) on the PP and Focused Feasibility Study (FFS) for the 100-HR-3 OU. Written comments on the 100-KR-4 PP and FFS had been received earlier in the month. RL has not yet had an opportunity to formally respond to any of these comments.

It was apparent at the meeting that there is a wide divergence of views with regard to the proper interpretation of existing data, and the significance of the newly obtained river characterization data. A report and analysis of the new data will be provided in rough draft form in the next 30 days. At the meeting, RL informed EPA and Ecology of the development of a comprehensive 100 Area Groundwater Strategy document to assist the decision making process on potential groundwater remediation in the 100 Areas. RL requested an opportunity to brief EPA and Ecology on this strategy when it is completed in draft form in May 1995.

RL believes that commencement of the dispute resolution process under the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) is

014477

Messrs. Alexander and Sherwood

-2-

MAY 12 1995

somewhat premature at this time. The tri-parties have met only once to discuss the HR-3 and KR-4 PPs, and RL has just received EPA and Ecology's written comments on those plans (some on the same day as the notification letter). Also, RL is currently preparing to submit a report analyzing significant new data that is central to the issues the tri-parties are discussing.

Section 9 of the Tri-Party Agreement provides a minimum of 30 days for response by RL to comments from EPA and Ecology on primary documents such as FFSs and PPs, and requires a minimum of two comment resolution cycles prior to initiation of the dispute resolution process, unless otherwise agreed to by all parties. In this case, the changes requested by EPA and Ecology are of such a fundamental nature, RL believes that a period of 45 days from the date of the meeting is needed to provide an adequate first round response to these comments.

Accordingly, RL requests EPA and Ecology to approve June 9, 1995, as the due date for responding to the comments received on the HR-3 and KR-4 PPs and FFSs. By that date, EPA and Ecology will also have received a copy of the summary report analyzing the new Salmon Spawning Habitat data, a briefing on the 100 Area Groundwater Strategy document, and an analysis of the "Boomsnub" site as it compares to remediation estimates for chromium VI in the 100 Areas. RL proposes that the Unit Managers meet as soon as possible after June 9, 1995, to attempt to resolve any remaining issues regarding the HR-3 and KR-4 documents. If such resolution cannot be accomplished at that meeting, RL would consider discussing commencement of an informal dispute resolution process at that time.

Please contact Mr. K. M. Thompson on 373-0750, as soon as possible, to confirm that these dates are acceptable for meeting the requirements of Section 9 of the Tri-Party Agreement.

Sincerely,

  
Dale E. Jackson  
Acting Hanford Project Manager

RSD:KMT

cc: L. E. Gadbois, EPA  
W. W. Soper, Ecology