



Oregon

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Mr. Kevin Leary
NEPA Document Manager
NRDWL/SWL EA
U.S. Department of Energy
P.O. Box 550
Richland, WA 99352

Dear Mr. Leary:

Oregon appreciates the opportunity to provide comment on the U.S. Department of Energy's (DOE) revised draft environmental assessment (EA) for "Closure of Nonradioactive Dangerous Water Landfill (NRDWL) and Solid Waste Landfill (SWL), Hanford Site, Washington" (DOE/EA-1707D, Revised predecisional draft). We have previously commented on the DOE closure plans for these sites and on the previous (May 2010) draft EA for NRDWL/SWL. We also discussed several issues regarding this draft with you and Woody Russell in a phone conversation on October 4. Based on our review of the document and issues unresolved in our phone conversation, we offer a number of comments below. We also note that one of the issues addressed below (contaminant inventory) will be the topic of continuing conversation between you and Paul Shaffer of my staff. We may have additional comments depending on the outcome of those discussions.

Request for copy of DOE response to comments in our June 4, 2010 letter During our phone conversation on October 4, it was mentioned that DOE had prepared a compilation of comments on the May 2010 draft EA and responses to those comments. When I asked for a copy of responses to Oregon's comments, my request was declined. DOE's response was disappointing, as it would have been helpful to us in understanding how and why DOE made (or chose not to make) changes to the revised EA in response to our past comments. DOE's unwillingness to provide these materials is especially disappointing in the context of the Oregon-US DOE memorandum of understanding which was implemented to foster better exchange of information and to improve communication between our agencies. By way of this letter, Oregon formally requests a copy of DOE's responses to comments from our June 4, 2010 letter on the previous draft of the NRDWL/SWL EA.

Waste Inventory at NRDWL We remain concerned about the characterization of contaminant inventory in the NRDWL. As we noted in past comment letters and in the October 4 phone call, the revised EA still reports an inventory that we believe has errors and is incomplete, omitting a diverse list of hazardous contaminants present in NRDWL. We also remain concerned that the process used to define the inventory considered in the revised EA (which appears to rely on data from Appendix S of the 2009 draft Tank Closure and Waste Management Environmental Impact Statement (TC & WM EIS)) is flawed. The spatial scale, processes and especially the transport issues that were the focus of the TC & WM EIS (primarily groundwater transport to the Columbia River) were very different from the scale and the suite of exposure pathways and effects that need to be considered in the current EA. The screening criteria and resulting reduced inventory from the TC & WM EIS is not appropriate for evaluation of contaminants in the NRDWL/SWL complex.

Given our concerns that the EA relies on an incorrect and incomplete inventory for the NRDWL, the human health and environmental risks of contaminants in the NRDWL would therefore be understated, and actual risk unknown. We believe it necessary for DOE and regulators to reanalyze risk from the NRDWL, based on a complete, accurate inventory of contaminants, prior to making any final decision for cleanup and closure of the NRDWL.

Reconsideration of selective RTD as a remedy for NRDWL Reiterating a comment we made regarding the May 2010 draft EA, we urge DOE to seriously evaluate selective removal, treatment, and disposal (RTD) of wastes in the NRDWL together with capping of the SWL. Given the nature of material in the SWL, RTD of those materials is probably not justified, and capping seems reasonable for closure of the SWL. However, we continue to believe that selective removal of contaminants from NRDWL (with disposal in ERDF – a lined, monitored facility), based on an observational approach, would provide cost-effective closure of the site. It would also virtually eliminate the need for long-term management of NRDWL and also minimize or eliminate future natural resource damage liabilities for the site. Selective RTD was given only a cursory evaluation in the revised EA and was rejected without substantive evaluation. We urge DOE to reassess this option.

Size of proposed support/laydown area We note that the area planned for the support/laydown area for the proposed capping project substantially exceeds the combined area of the NRDWL and SWL landfills (106 vs 77 acres). The size of the proposed support area seems greatly excessive to what is needed for the project, and would result in destruction of significant areas of high-quality habitat, as acknowledged in the EA. We urge DOE to re-evaluate planning for the support area to reduce its size, thereby minimizing habitat loss and likewise minimizing DOE's associated costs for mitigation and potential NRDA liability.

Performance monitoring As noted in previous written comments and in our October 4 phone discussion, if there is a final decision to cap NRDWL and SWL, we urge DOE to use this site as a “laboratory” to thoroughly assess the actual performance of an evapotranspiration barrier (ET cap). The proposed capping of NRDWL/SWL would afford DOE a unique opportunity to build stakeholder confidence in an ET cap. We have been told informally that DOE concurs with the recommendation in our January 2010 letter to extensively monitor the planned cap to characterize dynamics of water and vegetation as the cap ages, and we appreciate that support. Subsequent to our October 4 discussion, you provided us with a document that you indicated would provide a template for a monitoring program at NRDWL/SWL (D&D-24906, 2005, Surface Barrier Monitoring Data Quality Objectives Report for the 200-UW-1 Operable Unit). We will review that report and may have future comments and recommendations on the plans described in that report. We would like to see, in the final EA or in final planning documents for closure of NRDWL/SWL, an affirmative commitment by DOE to carry out a detailed, long-term monitoring program if/when the site is eventually capped.

We look forward to working with DOE to refine and finalize plans for closure of these waste sites and to design a monitoring program to assess cap performance. Should you have any questions or wish to discuss any of our comments, please contact Paul Shaffer of my staff at 503-378-4456.

Sincerely,



Ken Niles
Assistant Director

cc: Dennis Faulk, U.S. Environmental Protection Agency
Jane Hedges, Washington Department of Ecology
Hanford Natural Resource Trustee Council