



February 7, 1997

Chuck Clarke, Regional Administrator  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Tom Fitzsimmons, Director  
Washington Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

John Wagoner, Manager  
U.S. Department of Energy, Richland Operations  
P.O. Box 550 (A7-50)  
Richland, WA 99352

Subject: Institutional Controls

Dear Messrs. Clarke, Fitzsimmons and Wagoner:

The Board has taken the opportunity to become informed on issues concerning institutional controls and how they may be applied at the Hanford site. After significant discussion in three Board meetings and numerous committee meetings, the Board proposes the Tri-Parties use the following principles as they develop and implement cleanup decisions and make land available for other uses:

1. Physical and administrative institutional controls should not be substituted for cleanup activities or become end states. . Cleanup emphasis should be placed on permanent remedies, to avoid reliance on institutional controls. Institutional controls are not to substitute meeting the applicable cleanup standard or practical available treatment requirements under CERCLA, RCRA, Model Toxic Control Act (MTCA) and NRC regulations. Containment, which is an institutional control, should be used when technology is not available.
2. EPA and the Washington State Department of Ecology, not USDOE, determine when and where institutional controls should be applied at Hanford, consistent with cleanup levels established through CERCLA, RCRA, MTCA and NRC regulations. The same risk-based rules should apply at Hanford as they are applied off site for the application of institutional controls. The focus should be on the actual risk, whether the source of risk is a hazardous, mixed or radioactive contaminant.
3. If institutional controls are deemed necessary by regulators, these should be established with consideration of the existing and potential future land uses, including local government land use plans and expected tribal use scenarios. Residual risk levels under such determined scenarios should not exceed CERCLA, RCRA, MTCA, and NRC requirements. The Tri-Parties should

work with appropriate state agencies and tribal and local governments in clearly defining the nature and definition of the institutional controls to be applied. This would include where and how long the control would apply and which authority(s) is (are) responsible for maintenance and enforcement. Physical controls, such as fences, should be supplemented with appropriate administrative controls to ensure continued barrier integrity.

4. Economic consideration in remedy selection and in establishing institutional controls should be consistent with principles and guidelines contained in CERCLA, RCRA, MTCA, and NRC requirements. Cost projections for considering and choosing cleanup options should include federal, state and local government costs for administering the life of institutional control(s).
5. To avoid confusion in the future, the Board recommends discussion of institutional controls in documents and correspondence, specifically defining the nature and type of institutional controls being discussed, the context for application, and anticipated length of institutional control life.
6. DOE must provide adequate resources while the land is under DOE ownership for maintenance, enforcement, and public notification of restrictions and the hazard for the life of the institutional control.
7. Local governments have responsibility for maintaining property records. Consistent with the recommendations for building local capacity in the Federal Facilities Environmental Restoration Dialogue Committee report, the Board recommends DOE and EPA work with State and local governments, in consultation with affected tribes, to establish a residual contamination and institutional controls tracking system. This system should address land surface, vadose zone, and groundwater restrictions. Such a system would help to maintain a viable federal, state, tribal and local government institutional memory of Hanford Site conditions during and beyond cleanup, and through changes in land ownership or control. It will allow state, tribal and local governments to play a support role in protecting public health and safety for public, tribal, and private uses on federal lands. As DOE transfers land or declares land available under long-term lease, state and local governments would already be "set up" to administer their responsibilities in accordance with established institutional controls.
8. Because the 1100 Area has been recently deleted from the Superfund National Priorities List, it is the Board's opinion that the 1100 Area would be a good test case in translating the above principles into process and product. The 1100 Area gives opportunity to determine: (1) an appropriate system for administering established controls; (2) how institutional controls would be applied over time; and, (3) how institutional controls in the 1100 Area would be maintained under a land transfer.

We look forward to your response and to periodic progress updates on this matter.

Very truly yours,

Merilyn B. Reeves, Chair  
Hanford Advisory Board

cc: Alice Murphy, Designated Federal Official  
The Oregon and Washington Congressional Delegations  
Randy Smith, Environmental Protection Agency  
Dan Silver, Washington Department of Ecology

Attachment: Information Sheet on Institutional Controls

---

*This advice represents HAB consensus for this specific topic. It should not be taken out of context to extrapolate Board agreement on other subject matters.*

---

[Hanford Home Page](#) | [HAB](#) | [Advice Index](#)

*For questions or comments, please send [email](mailto:Hanford_Advisory_Board@rl.gov) to Hanford\_Advisory\_Board@rl.gov  
HAB Consensus Advice #63  
Subject: Institutional Controls  
Adopted: February 7, 1997*