



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
HANFORD/INL PROJECT OFFICE
309 Bradley Boulevard, Suite 115
Richland, Washington 99352

2011-423

October 17, 2011

Ms. Susan Leckband, Chair
Hanford Advisory Board
713 Jadwin, Suite 4
Richland, Washington 99352

Re: Response to Hanford Advisory Board Consensus Advice #249

Dear Ms. Leckband: *Susan*

The U.S. Environmental Protection Agency would like to thank the Board for their advice on the Draft Hanford Site Third CERCLA Five-Year Review Report. Although several of your advice points are directed at the U.S. Department of Energy, we would like to respond to these points as well.

The National Oil and Hazardous Substances Pollution Contingency Plan provides that remedial actions which result in any hazardous substances, pollutants or contaminants remaining at a site above levels that allow for unlimited use and unrestricted exposure be reviewed, at a minimum, every five years to ensure protection of human health and the environment. At Hanford, the DOE is responsible for conducting the five-year review, while the EPA retains final authority over whether the five-year review adequately addresses the protectiveness of remedies. The EPA will either concur with the DOE's protectiveness determinations or provide independent findings. If the EPA's independent findings conclude that a remedy is not effective in protecting human health and the environment or that additional information is required to make the determination, the EPA will identify additional action items for the DOE to execute.

While the five-year review is used to evaluate remedy effectiveness over time, the cleanup remedy is identified and given authority through the Record of Decision. If it is determined through a five-year review that a remedy is not effective at protecting human health and the environment, this would require a change to the ROD. Changes to RODs are conducted through an Explanation of Significant Difference or through a ROD Amendment.

A protectiveness evaluation can be deferred when a remedial action is not yet complete, for example, when a remedial action is still under construction or when there is an interim cleanup decision in place. Any immediate risks to human health and the environment must be addressed to protect against exposure. However, the deferral of a protectiveness determination does not necessarily mean that human health and the environment are at risk.

Sampling data is used to determine the effectiveness of a remedy. This type of information is provided in reports such as the Hanford Annual Groundwater Monitoring Report, data reports from field activities done in accordance with sampling and analysis plans, and other types of reports. Your advice states that the regulators should agree on additional sampling and include the results in the five-year review. The

five-year review uses data collected during waste site cleanup, groundwater treatment system performance and annual groundwater monitoring. It is unclear what information additional sampling would provide. It should also be noted that a five-year review summarizes the available data. However, we agree that references to the reports where the data is contained are useful to the public. Any new information discovered between five-year reviews that helps determine remedy effectiveness will be included in the next five-year review.

Five-year reviews are intended to evaluate the effectiveness of remedies that are complete. At Hanford, we have many interim cleanup decisions in place. This adds a level of difficulty to writing five-year reviews for the Hanford Site. Waste sites currently under an interim cleanup decision will ultimately be covered under a final cleanup decision. EPA recognizes that the public may use the five-year review to determine whether cleanup is effectively protecting human health and the environment. It is important to make it clear the reason that protectiveness determinations are deferred.

Thank you for your time in reviewing the Third Hanford Five-Year Review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis Faulk', with a long horizontal flourish extending to the right.

Dennis Faulk
Program Manager

cc: JD Dowell, DOE
Jane Hedges. Ecology