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Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

MAR 17 2004

04-AMCP-0188

Mr. Todd Martin, Chair
Hanford Advisory Board
1933 Jadwin Avenue, Suite 135
Richland, Washington 99352

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MAR 23 2004

EDMC

Dear Mr. Martin:

HANFORD FEDERAL FACILITIES AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) CHANGE REQUEST M-024-02-02, OVERALL STRATEGY AND APPROACH FOR GROUNDWATER PROTECTION, MONITORING AND REMEDIATION UNDER TRI-PARTY AGREEMENT MILESTONE SERIES M-024, RESPONSE TO COMMENTS

This letter addresses the comments received on the proposed Tri-Party Agreement Milestone M-024-02-02, "Overall Strategy and Approach for Groundwater Protection, Monitoring and Remediation under Tri-Party Agreement Milestone Series M-024" change package. This change request package is one of the outcomes of the U.S. Department of Energy-Richland Operations Office (RL), the State of Washington Department of Ecology, and the U.S. Environmental Protection Agency, hereinafter referred to as the Parties', efforts to coordinate and streamline Hanford groundwater protection activities. The Parties' goal is to be better integrated, more effective, and more cost efficient in well installation to meet cleanup and regulatory objectives.

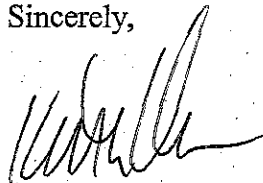
This milestone, one of the original Tri-Party Agreement milestones, defined the yearly drilling schedule for groundwater monitoring wells for the purpose of compliance with the Resource Conservation and Recovery Act (RCRA), the Washington State Hazardous Waste Management Act Chapter 70.105 Revised Code of Washington, and their implementing regulations, referred to hereinafter as RCRA. The proposed revision to the M-024 Milestone series includes additional wells to be drilled for compliance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Wells drilled to meet Atomic Energy Act (AEA) purposes will be coordinated with RCRA and CERCLA wells.

Comments were received from the Nez Perce Tribe, the Oregon Department of Energy, and the Hanford Advisory Board. The Parties have summarized the comments received and prepared this comment response letter.

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The Parties remain vigilant in Hanford cleanup efforts to ensure that this workscope is completed in an effective, efficient, timely manner with no impact to human health or the environment.

Sincerely,



Keith A. Klein
Manager

AMCP:JGM

Enclosure

cc w/encl:

D. Bartus, EPA

J. V. Borghese, FHI

N. Ceto, EPA

L. D. Crass, FHI

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W. Soper, Ecology

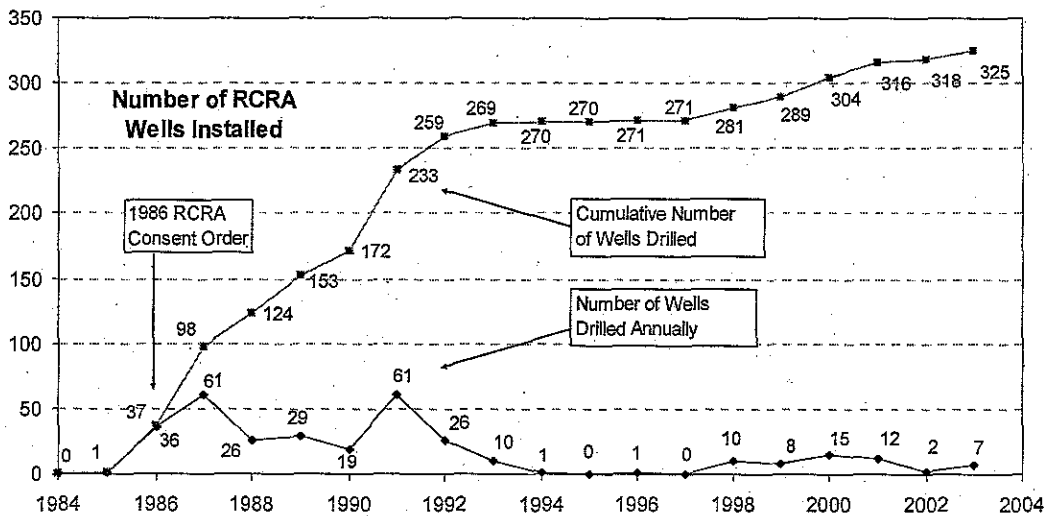
B. A. Williams, PNNL

R. M. Yasek, ORP

Admin Record

Comment: Concern for the number, schedule, and rationale of wells proposed for drilling.

Response: The comments focused on the rationale for the number, location, and drilling schedule for the wells. When the milestone series was initially agreed to, it stated that 29 wells were to be installed in Calendar Year (CY) 1989, 30 in CY 1990, then “up to 50 per year thereafter,” to be drilled as specified by agreed interim milestones. Each interim milestone then specified the actual number of wells to be drilled that year as determined during the technical negotiations. The “up to 50 wells” has caused confusion on this milestone. Negotiations were conducted annually to establish the interim milestone rate. The negotiations were often protracted, resulting in delays in drilling schedules. This meant fewer wells could be drilled because budgets could not be readily adjusted (see table below). Also, the negotiations did not provide a mechanism to coordinate or consider drilling needed to meet other regulatory requirements (CERCLA, AEA). The yearly drilling rate proposed for the next four years (15 wells per year) under the proposed change package is more than twice the rate of wells drilled in the past ten years under the existing milestone.



The selection of the 15 wells annually was based on a Data Quality Objectives (DQO) process to determine not only RCRA well installation needs, but also other sitewide remediation and monitoring needs. These needs will now be addressed under one single milestone to efficiently meet the overall cleanup mission. In addition, drilling the wells on a yearly incremental basis will allow new information gleaned from the drilling to be incorporated into the annual prioritization discussion to determine additional well needs.

It is the opinion of the Parties that, with the exception of the solid waste burial grounds (SWBG), based on current knowledge and conditions completion of the proposed wells will provide an adequate detection monitoring network for Hanford RCRA treatment, storage, and disposal facilities. Negotiations are continuing on the SWBG facilities. When negotiations are complete,

those wells will be incorporated into the well selection process and assigned a specific priority for installation. If changes to the current conditions result in loss of wells or altered hydrogeologic conditions additional wells will be identified to ensure regulatory compliance. Also, additional wells may be required in the future to comply with RCRA assessment requirements if facilities are found to be impacting groundwater resources, for closure/post closure care monitoring. Additional wells may also be required for groundwater cleanup activities.

Comment: **Concern for the Data Quality Objective (DQO) process and the ability for stakeholders and the public to participate in those processes in the future.**

Response: The initial DQO process was documented in the "Data Quality Objectives Summary Report for Establishing a RCRA/CERCLA/AEA Integrated 200 West and 200 East Area Groundwater Monitoring Network, CP15329, Rev 0" which was published and released to the public on March 21, 2003. There will be ample opportunity to review the rationale for the wells remaining on the list and new wells proposed by the Parties before the agencies establish the CY 2004 – CY 2007 revised priority list in August 2004. Information sessions will be scheduled as part of future Groundwater Project Open Meetings in early CY 2004 to provide a forum for discussion of the location and wells to be drilled in CY 2004 – CY 2007. Consultation will be held with the Tribes and periodic updates will be provided to the River and Plateau Committee of the Hanford Advisory Board to obtain Board input. The new milestone specifies that a three-year rolling window of well needs be maintained until such time as the agencies are in agreement that no further wells are needed.

Comment: **Concern about the power of the regulators to "impose" additional wells.**

Response: This milestone change package specifically states, "This milestone does not preclude or foreclose the imposition of additional groundwater well installation pursuant to RCRA and/or CERCLA permits or work plans." The regulators did not give up their authority on this issue and can require additional wells as needed to meet the regulatory and cleanup requirements. To the extent possible, it is the intent that those additional wells would be factored into the annual prioritization discussions.

Comment: **Concern regarding obtaining funding for drilling wells as soon as possible.**

Response: The Parties agree that additional funding for this program is desirable and RL will continue to look for additional funding within their existing program funds for enhancing the drilling schedule. Acting on good faith, DOE and its contractors drilled 16 wells in CY 2003 (including two at the 618-10 Burial Ground). The priority list of wells will be confirmed annually and at least 15 wells will be installed annually. The priority list of wells will be used in the three-year budget preparation process to obtain the needed funding to meet the drilling requirements specified in the proposed milestone. In addition, the regulators have challenged DOE to incentivize their contractors to complete all drilling by CY 2005, an acceleration of 12 months. DOE is obligated to take all necessary steps to obtain timely funding to meet its Tri-Party Agreement obligations, including M-024 (Tri-Party Agreement paragraph 148).