

### 3.5 Hanford Advisory Board Comments and Responses

# HANFORD ADVISORY BOARD

*A Site Specific Advisory Board, Chartered under the Federal Advisory Committee Act*

**Advising:**  
Dept of Energy  
Environmental  
Protection Agency  
Washington State Dept  
of Ecology

July 11, 2002

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**Local Government**  
Russell Jim  
Patrick Sobotta

Re: Hanford Solid Waste Environmental Impact Statement

**Public Health**  
Margery Swirt  
Jim Trombold

Dear Messrs. Klein, Schepens, Fitzsimmons, and Iani

**University**  
James A. Cochran  
Tim Takaro

The Hanford Advisory Board (Board) has long and anxiously awaited the issuance of the draft Hanford Hazardous and Solid Waste Environmental Impact Statement (HSW-EIS). We are pleased that it has finally been released, however we are very disappointed with the draft. The Board believes the draft is incomplete and inadequate to support proposed decisions. In addition, it was not prepared in compliance with National Environmental Protection Act (NEPA) processes. Therefore, the Board urges the current draft be withdrawn and reissued in draft form for public comment to produce an adequate EIS, based on appropriate consultation and including the scope discussed below.

**Public-at-Large**  
David G Cortinas  
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**Regional Environ-  
ment/Citizen**  
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The draft HSW-EIS assumes the 2000 Record of Decision (ROD) selecting Hanford as a specific site for disposal of Department of Energy (DOE) complex low level waste (LLW) and mixed low level waste (MLLW) was fully supported by the Waste Management Programmatic Environmental Impact Statement (PEIS) analysis. As shown by public comment on the PEIS, the states, Tribes, and other stakeholders did not find the PEIS analysis sufficient to support selection of Hanford as a disposal site

**State of Oregon**  
Shelley Cimon  
Ken Niles

**Ex-Officio**  
Confederated Tribes of  
the Umatilla  
Washington State  
Department of Health

HAB Consensus Advice #133  
Subject: Hanford Solid Waste EIS  
Adopted: July 11, 02

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**2** | for DOE complex-wide waste. As an example, a comprehensive, integrated,  
 (cont.) | publicly vetted strategy for all nuclear materials disposition for the complex is  
 | needed to support the PEIS. The PEIS ROD was issued before preparation and  
 | public review of the Hanford draft HSW-EIS, which should evaluate the site-specific  
 | impacts of such disposal.

**3** | What was expected from this HSW-EIS was: 1) an understanding of impacts of past  
 | and continued waste disposal at Hanford; 2) comparison of LLW/MLLW disposal at  
**4** | different sites; 3) comparison of Hanford-only versus off-site waste; 4) the scope of  
**5** | all previously buried and newly-generated solid waste; 5) discussion on long-term  
**6** | management; 6) a range of treatment alternatives for radioactive and hazardous  
**7** | constituents and disposal options; 7) short and long-term impact assessments to  
**8** | ecology; and 8) significant differences between low and high volumes impact  
 | assessments.

**The HSW-EIS should integrate all waste site analyses to determine the full cumulative impacts.**

**9** | The cumulative impacts of related major actions, on site and complex-wide, are not  
 | adequately addressed in the draft HSW-EIS. The draft frequently incorporates other  
 | documents by reference only. In addition, the Board questions the consistency of the  
 | draft HSW-EIS with the PEIS. In order for the HSW-EIS to be a credible, bounding  
 | document, it must show how much waste in all forms Hanford is slated to keep. It  
 | should also state how much will be exported and how much new waste will be  
 | accepted.

**Additional analysis is needed.**

**10** | The Board believes the draft HSW-EIS lacks sufficient analyses to support related  
 | DOE-proposed decisions. These include the import and burial of low level and  
 | mixed low level waste, proposed expansion of unlined soil disposal trenches for low  
 | level waste, import of transuranic wastes (TRU), and the lack of plans to retrieve or  
 | mitigate the impacts from TRU waste buried before 1970. DOE intends to make  
 | final decisions on each of these issues within six months, following the adoption of  
 | the ROD based on the HSW-EIS. The inadequacy of the draft understandably  
 | concerns the Board.

**Board finds the necessary changes to the draft document are significant.**

**11-33** | The following numbered items (in no specific order of priority) identify examples of  
 | where the draft HSW-EIS is incomplete, inadequate, or excludes items that need to  
 | be addressed:

- 11** | 1. Failure to include impacts and alternatives identified by the Board  
 | (provided to DOE in advice #103 and 98) during the EIS scoping process.

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- 12** | 2. Inclusion of off-site waste volumes in the draft HSW-EIS much greater than those identified during the EIS scoping period.
- 13** | 3. Lack of consultation with Tribes or other federal and state agencies, as required under NEPA and SEPA.
- 14** | 4. Failure to disclose impacts to groundwater and human health at the point of compliance for waste management units. The Board encourages the agencies to consider the recent advice from the Board reflecting input from the Exposure Scenarios Task Force (consensus advice #132). The point of compliance should ensure no further degradation to ground water beyond the edge of the waste management unit. Non-degradation is required under both state and federal regulations. Without explanation, and in apparent violation of applicable standards, the EIS provides only a partial description of groundwater impacts for a single well one kilometer away from the burial grounds.
- 15** | 5. The draft HSW-EIS improperly asserts a claim for irretrievable and irreversible impact to an unidentified area of ground water (which may encompass the entire Hanford site) forever, with no analysis or disclosure of how large an area this may be, how bad the conditions may become, or how long this may persist.
- 16** | 6. Inadequacy of NEPA assessment for endangered species.
- 17** | 7. Modeling and inventory assumptions are not explained and appear inconsistent with known data on the movement of radioactive and hazardous waste at Hanford, and are also inconsistent with other site actions.
- 18** | 8. Failure to include a true "No Action" alternative that does not import and bury offsite-generated LLW and MLLW from DOE sites and other generators. The current "No Action" alternative (as noted on page S-3, line 27-30) does not comply with legal or regulatory requirements.
- 19** | 9. Failure to include reasonable alternatives to the proposed actions, especially the failure to include an alternative to end the use of unlined soil trenches for disposal.
- 20** | 10. Failure to integrate and consider the cumulative impact of all Hanford waste decisions, the impact of these decisions on this EIS, and the conclusions from this EIS in those decisions. The estimated risks proposed by this action are only a small portion of the total risks posed by all site actions and should be communicated. This is exemplified by the failure to disclose and consider the cumulative impacts of wastes already disposed to the soil and proposed Performance Management Plan (PMP) actions to dispose of additional wastes to the soil (e.g. proposed actions to dispose of some wastes from Hanford's high-level waste tanks in the soil). Additionally, the Board urges DOE to end the use of unlined soil trenches without leachate collection systems for disposal of wastes.
- 21** |

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- 22 | 11. Accident analysis must include malevolent events.
- 23 | 12. The Board is concerned the programmatic issue of the cumulative and route-specific effects of transporting wastes from multiple sites to Hanford has not been addressed.
- 24 | 13. The Board is concerned the facilities required for treating remote handled TRU waste as required in the Tri Party Agreement (TPA) Milestone 91 have been delayed, and the impacts from delayed or lesser TRU waste retrieval, as well as the impacts of importing TRU have not been considered in this draft HSW-EIS.
- 25 | 14. Waste from high level tanks that may be disposed in soil and disposition of K-Basin sludge should be included.
- 26 | 15. Cumulative impacts of reactor components disposal, including naval reactor compartments, should be included.
- 27 | 16. Pre-1970 TRU waste in the burial grounds should be addressed.
- 28 | 17. The impacts of not retrieving or shipping to WIPP the post-1970 TRU waste should be analyzed.
- 29 | 18. There is inadequate analysis of cap performance. The draft HSW-EIS considers only one cap, and assumes it meets RCRA requirements.
- 30 | 19. There is no analysis to support the draft document cover letter assertion that use of deep lined "megatrenches" is bounded by the analysis performed for shallow trenches in the draft HSW-EIS.
- 31 | 20. Long term stewardship considerations are not evident.
- 32 | 21. The draft HSW-EIS lacks inclusion of Environmental Restoration waste, which was excluded from analysis in the PEIS.
- 33 | 22. The impacts of hazardous waste buried with various forms of radioactive waste (e.g. lead shielding) should be analyzed.

**Currently disposed waste needs detailed analysis.**

34 | The Board has previously urged that DOE stop disposing of offsite wastes in the low level waste burial grounds (LLBG) until they are fully investigated for disposal of hazardous or dangerous wastes (including liquids, flammables, solvents, etc.) and for releases of hazardous substances (consensus advice # 98 and #103). It is vital that  
 35 | the groundwater monitoring around the burial grounds be substantially upgraded and vadose zone monitoring be instituted as part of this investigation. Many of the wells are dry, or soon will be, and the burial grounds lack any leachate monitoring and collection system.

36 | The Board urges the State of Washington to exercise its authority over the burial grounds as dangerous waste management units to meet leachate collection standards, and to prevent the addition of several hundred thousand cubic meters of offsite waste to unlined soil trenches, as proposed in the draft HSW-EIS and the PMP. The Board has previously provided advice that the LLBGs should be independently regulated,

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**36** | and that the draft HSW-EIS should consider the benefits of independent external  
**(cont)** | regulation of the LLBGs as a reasonable alternative (consensus advice #98).

**37** | **Full cost of imported waste must be recovered.**  
The Board repeats its advice that the HSW-EIS considers the impacts on Hanford Cleanup from the costs of offsite waste (see consensus advice #79, #84, and #94). Charging generators the long-term, fully burdened costs of disposal (and treatment or storage), as the Board has advised (see consensus advice # 98), would encourage treatment and reduction in waste volumes. It would also reduce the impact of offsite waste on the ability of the Hanford site to meet TPA milestones and other compliance requirements. This costing method must be considered in the HSW-EIS.

**38** | **Analysis should be limited to receipt of offsite MLLW for short-term storage and treatment only.**  
The Board has issued advice (#13 and #103) that the import of mixed waste to Hanford be limited to short term storage for purposes of using available treatment capacity. (If disposal of mixed waste were limited to onsite stored forecasts to be generated, the quantity for disposal would be 14,000 cubic meters. Instead, the draft HSW-EIS considers disposal of 210,000 cubic meters.) Thus, the analysis in the HSW-EIS should be limited to receipt of offsite MLLW for short-term storage and treatment. DOE wrongly states in the PMP the MLLW burial ground is permitted for offsite waste, and proposes to issue a decision in six months to start import and disposal of offsite mixed waste. The Board urges the State of Washington to limit the MLLW burial ground permit to the quantity and types of wastes forecast from Hanford Cleanup (as has been done with the Environmental Restoration Disposal Facility landfill).

**39** | **Permitting decisions should not be made based on this draft HSW-EIS.**  
The Board is concerned that permitting decisions for the Waste Receiving and Processing facility, the low level burial grounds, and the Central Waste Complex may be made without knowledge of the quantities and nature of wastes proposed to be stored, disposed, or treated. The Board urges permitting agencies not to grant any permit based solely upon the draft or the final HSW-EIS unless this issue is resolved.

**40** | **Board advises draft HSW-EIS be withdrawn and reissued.**  
The Board advises the regulatory agencies find the document inadequate to meet NEPA and the Washington State Environmental Policy Act (SEPA) requirements. The Board also strongly advises DOE to withdraw and reissue the HSW-EIS following appropriate analysis and disclosure. This revision would allow the most recent budget and cost comparison data to be factored into the document.

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Sincerely,



Todd Martin, Chair  
Hanford Advisory Board

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*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.*

cc: Wade Ballard, Deputy Designated Federal Official, U.S. Department of Energy  
Michael Gearheard, Environmental Protection Agency  
Michael Wilson, Washington State Department of Ecology  
Martha Crosland, U.S. Department of Energy Headquarters  
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George Nethercutt

State Senators (WA)

Pat Hale  
Mike Hewitt

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Subject: Hanford Solid Waste EIS  
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**Letter: L083**

F

State Representatives (WA)  
Jerome Delvin  
Shirley Hankins

HAB Consensus Advice #133  
Subject: Hanford Solid Waste EIS  
Adopted: July 11, 02

## Response to Letter L083

Comments	Responses
1	The draft <i>Hanford Site Solid (Radioactive and Hazardous) Waste Program Environmental Impact Statement</i> (HWS EIS) has been revised and reissued for an additional opportunity for public comment. This EIS has been prepared in compliance with Council on Environmental Quality (CEQ) and National Environmental Protection Act (NEPA) requirements.
2	This HSW EIS has been revised to address a larger number of alternatives. A Hanford Only waste volume was evaluated to better show the incremental impacts to Hanford of managing waste from offsite generators. The impacts of transporting waste through Washington and Oregon are now presented. The System Assessment Capability (SAC) has been used to provide additional cumulative impact information.
3	The SAC has been used to provide additional cumulative impact information (see Section 5.14 and Appendix L).
4	A comparison of low-level waste (LLW) and mixed low-level waste (MLLW) disposal at various DOE sites was included in the Waste Management Programmatic Environmental Impact Statement (WM PEIS) and in various site-specific NEPA documents.
5	This HSW EIS evaluates a range of waste receipts at Hanford to encompass the uncertainties regarding quantities of waste that would ultimately be managed at the site. This HSW EIS now includes an evaluation of Hanford Only waste. A Hanford Only waste volume was evaluated to better show the incremental impacts to Hanford of managing waste from offsite generators.
6	See Response 3.
7	The HSW EIS now contains additional discussion and analysis on long-term management and stewardship (see Section 2.0).
8	Additional alternatives have been evaluated in this HSW EIS. Additional information on treatment technologies and disposal options has been provided in Section 2.1.
9	Information on the affected ecological environment is in Section 4.6. Potential ecological impacts are addressed in Section 5.5 and Appendix I. DOE addresses the relationship between short-term uses of the environment and the maintenance or enhancement of long-term productivity in Section 5.16.
10	The analyses showed only small differences in impacts for the different waste volumes analyzed. These analyses and methodologies are discussed in Section 5 and its associated appendixes.
11	The SAC has been used to provide additional cumulative impact information on the Hanford Site (see Section 5.14 and Appendix L). Uncertainty in waste volumes is discussed in Section 3.0. Information on exports and imports has been added to Section 1.0. Complex-wide cumulative impact information is provided in the WM PEIS. DOE has followed CEQ requirements (40 CFR 1502.21) regarding incorporating material by reference.

## Response to Letter L083

Comments	Responses
12	<p>This HSW EIS has been revised to address a larger number of alternatives, including alternatives for the disposal of LLW in lined trenches. A Hanford Only waste volume was evaluated to better show the incremental impacts to Hanford of managing waste from offsite generators. The impacts of transporting waste through Washington and Oregon are now presented. The SAC has been used to provide additional cumulative impact information. DOE is not addressing proposals to take action to retrieve and treat pre-1970 waste in this EIS. When these proposals are made they will likely be addressed as part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) past practices processes, which include consideration of NEPA values.</p>
13	<p>In developing alternatives and analyses in this EIS, DOE has taken into account the recommendations set forth in Hanford Advisory Board (HAB) Consensus Advice 103 and 98. For example, a Hanford Only waste volume was evaluated.</p>
14	<p>The waste volumes in the HSW EIS Notice of Intent were for 20 years. Based on comments received during the scooping process DOE decided to evaluate Hanford waste management activities over a longer time period.</p>
15	<p>The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Washington State Historic Preservation Office were consulted prior to issuing the HSW EIS for public review. Many other public agencies were provided the opportunity to comment on the draft HSW EIS including the U.S. Environmental Protection Agency (EPA), the Washington State Departments of Ecology (Ecology), the Washington State Department of Health (WDOH), the Washington Department of Fish and Wildlife (WDFW), Oregon Office of Energy, and several county and city governments.</p> <p>Formal requests for comments on the HSW EIS were sent to the Yakama Nation, the Confederated Tribes of the Umatilla Indian reservation, the Nez Perce, the Wanapum, and the Confederated Tribes of the Colville Reservation.</p>
16	<p>As noted in the Tri-Party Agreement (TPA) agencies' response to HAB Advice 132: "We intend to fully integrate the decisions for the remediation of the source units with those for the remediation of groundwater using the appropriate regulatory process. Establishing points of compliance and remedial objectives will be done in adherence to regulations. Also, we have started an effort to evaluate groundwater technologies necessary to deploy to remediate groundwater in the core zone. This effort will be advanced through the regulatory documents and reviews of the corresponding groundwater operable units."</p> <p>The maximum point of impact from multiple and widely dispersed sources is not necessarily directly underneath the Low Level Burial Grounds (LLBGs) or at the LLBG boundary. To model the groundwater impacts from multiple and widely dispersed disposal units over long periods of time, a 1-km "point of analysis" location was deemed to be more appropriate and representative than a regulatory "point of compliance" well location. Current results from the RCRA-compliant groundwater monitoring have not identified any groundwater impacts from the LLBGs.</p>

## Response to Letter L083

### Comments      Responses

The point of analysis approach is considered more technically appropriate for a NEPA evaluation of groundwater impacts. More specific clarification about the differences between the "point of assessment" used in the HSW EIS groundwater impact analysis and the RCRA "point of compliance" for land disposal unit groundwater monitoring wells is provided in Section 5.3 and Appendix G.

The HSW EIS evaluates the impacts of three exposure scenarios, one of which includes a sweat lodge. These scenarios are consistent with EPA, Model Toxics Control Act (MTCA), and the Hanford Site Risk Assessment Methodology. The exposure pathways included ingestion, dermal absorption (bathing), biota, dairy, meat, game, fruit, vegetables, and inhalation. See Tables F.37 through F.47 in Appendix F. The text has been revised to more clearly explain this.

17      With regard to groundwater, this HSW EIS recognizes an existing condition that has been included as an irreversible and irretrievable commitment of resources in this and other NEPA actions. Groundwater impacts resulting from actions proposed in this HSW EIS are included in Section 5.3 and Appendix G. The groundwater models used indicate the extent, intensity, and duration of impacts to groundwater.

18      See Response 9.

19      Inventory data and assumptions are addressed in Section 3.X and Appendixes B and C. Modeling assumptions are addressed in several appendixes, including Appendix F for human health and Appendix G for groundwater.

The assessment benefits from preceding analyses and field observations, including the performance assessments for 200 West and 200 East post-1988 burial grounds (Wood et al. 1995, 1996), the remedial investigation and feasibility study of the Environmental Restoration and Disposal (ERDF) (DOE 1994b), the disposal of immobilized low-activity waste (ILAW) originating from the single- and double-shell tanks (Mann et al. 1997) and (DOE/ORP 2001), and the Composite Analysis of the 200 Area Plateau (Kincaid et al. 1998).

20      A No Action Alternative under NEPA does not necessarily mean no action at all (see CEQ Forty Most Asked Questions, Question 3, No Action Alternative [46 FR 18026]). Pursuant to the HSW EIS Notice of Intent (65 FR 10061), under the no action alternative, "DOE would continue ongoing waste management activities and implement those actions for which NEPA reviews have been completed and decisions made [the baseline for analytical purposes would be the time of issuance of the first draft HSW EIS]. The no action alternative will provide a baseline for comparison of the environmental impacts of the proposed action and its alternatives." Discussion of a "stop action" scenario has been added in Section 3.X and in Appendix O.

21      Additional alternatives are evaluated in this HSW EIS, including alternatives for the disposal of LLW in lined trenches. Descriptions of these alternatives have been added to Section 3.X.

22      The SAC has been used to provide additional cumulative impact information (see Section 5.14

## Response to Letter L083

Comments	Responses
	<p>and Appendix L).</p> <p>Some acceleration activities described in the Hanford Performance Management Plan could be implemented based on current NEPA documentation; others would require completion of this HSW EIS prior to their implementation; and still others would require further planning, changes to existing permits and TPA milestones, and preparation of additional NEPA analysis.</p>
23	<p>DOE is considering moving exclusively to burial of LLW and MLLW at Hanford in lined facilities with leachate collection systems.</p>
24	<p>The consequences of a "malevolent event" are expected to be similar to those from severe (low probability, high consequences) accidents already evaluated in this HSW EIS. The HSW EIS analyzes several accident scenarios, including fires, explosions, and earthquakes (see Section 5.11 and Appendix F). This EIS also analyzes the impacts of accidents during transportation of waste (see Section 5.8 and Appendix H).</p> <p>It is not possible to predict the probability of a malevolent event, however in general the LLW, MLLW, and TRU do not present an attractive target. The shipping containers used for transporting these materials are designed with safeguards commensurate with the potential hazard.</p> <p>In response to comments, DOE included a discussion of the potential impacts of acts of sabotage or terrorist attacks in Appendix H of this EIS.</p>
25	<p>Discussion of the potential impacts of waste being transported through Washington and Oregon has been added to Section 5.8 and Appendix H.</p>
26	<p>The completion of this HSW EIS is one of the major steps in obtaining the required treatment facilities.</p> <p>The impacts of importing TRU waste have been considered in the waste volumes analyzed in this EIS. See waste volume tables in Section 3.X and Appendix C, which identify the potential wastes to be received by Hanford.</p>
27	<p>This HSW EIS has been revised to include the disposal of the ILAW stream from the high-level waste treatment program.</p> <p><i>The Environmental Impact Statement for Retrieval, Treatment, and Disposal of Tank Waste and Closure of Single-Shell Tanks at the Hanford Site</i> (68 FR 1052) will analyze other tank waste activities.</p> <p>K Basin sludge will be stored, processed, and certified onsite for shipment to WIPP for disposal. These activities are part of the alternatives evaluated in the HSW EIS.</p>

## Response to Letter L083

Comments	Responses
28	The SAC has been used to provide additional cumulative impact information. This HSW EIS takes naval reactor compartment disposal into account as part of the cumulative impacts analysis (Section 5.14 and Appendix L).
29	DOE is not addressing proposals to take action to retrieve and treat pre-1970 waste in this HSW EIS. When these proposals are made they will likely be addressed as part of the CERCLA and RCRA past practices processes, which include consideration of NEPA values. The SAC has been used to provide additional cumulative impact information (see Section 5.14 and Appendix L).
30	<p>The alternatives in this HSW EIS assume the post-1970 retrievably stored TRU waste will be shipped to WIPP in New Mexico based on previous NEPA decisions. The long-term environmental impacts of leaving these wastes at Hanford were not evaluated in this HSW EIS because it is not expected to remain onsite.</p> <p>Retrieval of TRU waste from the LLBGs has already started. Shipment of TRU waste to WIPP has also started. Over one third of the TRU waste in the LLBGs is scheduled to be retrieved by 2006 (Hanford Performance Management Plan [PMP] DOE 2002). Retrieval will be completed before the end of the operational period.</p>
31	An expanded discussion of capping options considered by DOE is included in Section 3.x. The modified RCRA Subtitle C cover is based on a RCRA-compliant design.
32	Additional alternatives are evaluated in this HSW EIS, including alternatives for the disposal of waste in deep lined mega-trenches.
33	The HSW EIS now includes an expanded discussion of long-term stewardship considerations in Sections 2.0 and 5.18.
34	Environmental restoration waste disposal is addressed as part of the cumulative impacts (Section 5.14 and Appendix L).
35	<p>Uncertainties about hazardous chemical constituents in the previously disposed of waste are discussed in Section 3.0. This waste will ultimately go through a CERCLA or RCRA past-practice remedial action process prior to closure of the LLBGs.</p> <p>The HSW EIS includes potential impacts of disposing of MLLW (mixed radioactive and hazardous waste), including radioactively contaminated lead shielding. The groundwater impacts of disposal are discussed in Section 5.3 and Appendix G. The human health impacts are discussed in Section 5.11 and Appendix F.</p>
36	In developing alternatives and analyses in this EIS, DOE has taken into account the recommendations set forth in Hanford Advisory Board (HAB) Consensus Advice 103 and 98. For example, a Hanford Only waste volume was evaluated.

## Response to Letter L083

Comments	Responses
37	<p>Groundwater monitoring and leachate collection are conducted according to the RCRA permit for the MLLW trenches, and will be expanded as necessary according to agreements between DOE and regulatory agencies to support future waste management operations. Groundwater monitoring is routinely conducted at the Hanford Site. Additional information on costs of post-closure monitoring is included in Section 3.5.</p>
38	<p>This comment is not directed to DOE.</p>
39	<p>As noted in Section 6 of this HSW EIS, a number of DOE radioactive and radioactive mixed waste activities are subject to external regulation or oversight. The specific authorities of DOE under the Atomic Energy Act (AEA) of 1954, and the application of other external requirements to DOE activities, are established by Congress rather than by DOE.</p> <p>DOE is subject to external oversight through the application of many regulations, including the applicable requirements of CERCLA, RCRA, and State of Washington Dangerous Waste Regulations.</p> <p>It is not clear that external regulation of facility safety and worker protection at DOE sites would result in greater public or worker safety. For example, Occupational Safety and Health Act (OSHA) has identified a number of safety and health hazards for which DOE currently enforces more protective safety and health standards than OSHA. Also, it is not clear whether safety practices would materially change. For example, DOE worker protection requirements currently incorporate many OSHA occupational safety standards. One of the conclusions in a 1999 NRC report ("External Regulation of Department of Energy Nuclear Facilities: A Pilot Program," NUREG-1708) covering three pilot external regulation efforts of DOE facilities was that "few, if any changes in facilities, procedures, drawings, calculations, administrative process controls, safety programs, and safety documentation (including safety analysis reports) would be necessary. DOE initiatives such as WorkSmart Standards and Integrated Safety Management Systems could continue to be used under an NRC regulatory framework."</p> <p>A change to external regulation of facility safety and worker protection at DOE sites would require Congressional action including amendment of the Atomic Energy Act and OSHA.</p>
40	<p>Discussion of the fully burdened costs of disposal has been added. See Appendix N.</p>
41	<p>It is forecast that about 60,000 cubic meters of Hanford-generated operational MLLW will require disposal. The 14,000 cubic meters cited in the Hanford PMP do not represent the total volume of Hanford-generated MLLW. Half of the 14,000 cubic meters is MLLW already in storage. The other half is MLLW expected to be generated through 2008.</p> <p>The permit for MLLW disposal is not limited to Hanford Only waste. Discrimination against out-of-state waste would violate the Commerce Clause, Article 1, Section 8, of the United States Constitution.</p>
42	<p>This comment is not directed at DOE.</p>
43	<p>See Response 1.</p>