

LONG-TERM STEWARDSHIP

- Susan Leckband observed that HAB members had previously received copies of the principles developed at the October 25th-27th SSAB Stewardship Workshop in Colorado. Harold Heacock, Bill Kinsella, and Susan Leckband attended this workshop. Susan explained that these principles would be discussed at the February SSAB chairs meeting. Marilyn Reeves observed that the HAB does not have a consistent history of reviewing and approving recommendations from workshops. For example, the HAB had never fully reviewed or adopted the recommendations from past workshops on low-level waste (LLW) or transportation.

Susan Leckband said that she had requested copies of site stewardship plans from other workshop attendees. Although Rocky Flats is scheduled for closure by 2006, it has no stewardship plan. She noted that Hanford has the opportunity to plan ahead because the Hanford site will close in a linear fashion rather than closing all of its facilities simultaneously. She stated that it is the HAB's responsibility to examine the stewardship decisions as they are made. She observed that although the workshop recommendations are DOE-wide, the recommendations could be customized for the Hanford site.

Marilyn Reeves noted when one of the other SSABs had been dissolved, the SSAB members had voiced concerns over stewardship. She also noted that Fernald could not implement the Fernald SSAB stewardship recommendations until about 2008 or 2010, and even then it would be for only a small portion of Fernald.

Harold Heacock added that Hanford's situation is unique; he said that the presence of DOE, EPA, and Ecology at the Hanford site is longer-term than the other sites. He observed that the stewardship workshop had not discussed the role of the federal government and its financial responsibility for long-term stewardship. Bill Kinsella said that the workshop had split into groups. He had joined the Public Involvement session which had discussed the tribal interests in detail. One of the tribe members in the group had voiced concerns that the tribe not be listed as a "stakeholder". The term "stakeholder" can be too generic.

Todd Martin said that he had been involved in the same type of discussion at the Fernald SSAB meeting two weeks earlier. He said that those discussions led to the question of what long-term stewardship scope actually entails. Fernald seems to emphasize it less than Hanford site. The key issue raised at Fernald had been the consideration of Native American remains internment. He asked why there was no explanation of the term "stewardship" in the statement. Susan Leckband explained that the workshop attendees had elected to leave the term generic so that all the SSABs could approve it.

Todd Martin suggested approving the statement as it stood. Ken Bracken objected to the financial stipulation. He said that designation of separate, guaranteed funds would necessitate other areas competing for the remainder of the funds. Other areas would also

want guaranteed funds. He emphasized that stewardship is not more special than other programs.

Greg deBruler supported Todd Martin's suggestion to define stewardship. Additionally, he suggested that stewardship be an integral part of all decision-making due to potential future cost and liability. He said that the Hanford site needs to consider National Research Damage Assessment principles, because long-term stewardship costs could be astronomical. He urged looking at stewardship issues proactively.

Leon Swenson stated that long-term funding needs to be considered. He questioned the feasibility of designating funds. He recognized that funding needed to be designated, and asked how it could happen. Susan Leckband reflected that much workshop discussion had focused on the topic, but that funding cannot actually be guaranteed. She concurred that DOE would never guarantee budget funding. Todd Martin observed that other groups have made similar recommendations to dedicated funding. DOE's reaction has not been not positive to these types of recommendations.

Gordon Rogers observed that the recommendations should apply to both the Resource Conservation and Recovery Act (RCRA) and Superfund sites. DOE is only one of many responsible parties. He would like the regulators to clarify their roles and responsibilities. Doug Huston reflected that a regulator would want to know what stewardship would look like. He said that the off-budget set-asides are common in commercial industry and would be a good practice.

Jim Trombold stated that he would like to hear about other DOE sites' activities and cleanup status at a future HAB meeting. Marilyn Reeves agreed that this was an excellent idea and suggested that if Martha Crosland is able to attend a future HAB meeting, she could assist with this topic.

Gerry Pollet observed that the HAB had discussed stewardship in the discussion of burial grounds' perpetual care and maintenance and closure funding. He noted that DOE does not want external regulation; nor does DOE want to obligate funds for such maintenance even though there is precedent in arsenal waste sites. Marilyn Reeves reminded the HAB that it had passed institutional control advice some years ago. Gerry also pointed out that whenever future use restrictions are possible, the public must be involved.

Pam Brown suggested asking the Environmental Law Institute to provide a presentation to the HAB from a national perspective. She stated her approval of the wording of the workshop stewardship principles. She said that stewardship choice must be made at the time of remedy selection and must be stated in the ROD. Otherwise, funds may not be available.

Bill Kinsella said that the workshop had determined that the trust fund model was improbable, but that money should be set aside ahead of time. He said that stewardship will continue into unknown conditions, a poorly understood future, and must be able to

withstand it. He disagreed with Ken Bracken, pointing out that stewardship is different from other projects. It warrants a special status, exempted from competition for funding.

Max Power said that funding is of real interest to Ecology as DOE develops its policy. He said that Ecology is involved in three state-level stewardship committees. Marilyn Reeves stated her concern over the use of these types of documents. While she sees them as learning tools, she regards them as a superficial way of handling a complex issue and has concerns that DOE could use it to be relieved of responsibility.

Dennis Faulk said that as an attendee at the conference, he had been impressed with the recommendations, especially when considering the diversity of opinions. He said that the recommendations were serving their purpose, as witnessed by the discussion at the HAB meeting. He shared Ken Bracken's concern with the funding issue. He observed that detailed discussions would be needed in the future. Stewardship should be considered during clean up and during development of new facilities so that dismantling is easier. He stated that the principles provide a good guideline for the Hanford site.

John Erickson, Washington State Department of Health (WDOH), pointed out that radiation control regulations for uranium require passive maintenance for closure. A closure fund is also required. DOE is required by law to take over those sites for perpetuity. Unfortunately, once the site is handed over, the money is placed into a general fund, and the site must go to Congress yearly for funding. He added that for low-level waste, there is a substantial fund at Hanford due to its sheer volume. He suggested that placement of a commercial site in the midst of Hanford could mean that Hanford may have to absorb that cost too.

Susan Leckband reminded the HAB that there are many sources of information on stewardship and advocated that a committee should be established to ensure that the HAB is involved in stewardship issues. She said that the HAB is fortunate to have concerned agencies with personnel willing to work with the HAB, and that the HAB needs to take advantage of that.

Wade Ballard said that the subject is very ripe for discussion now. Current discussions in the field could have implications for the future. Cleanup decisions become stewardship decisions. He urged that consideration be given now as this process evolves. Regarding set-aside funding, he said off-budget funding is complex. The federal government cannot release its obligation.

DOE Long-Term Stewardship Plan

Jim Dailey, DOE-RL, explained the development of the Hanford long-term stewardship plan. DOE owes the regulators an institutional control plan and a ROD this year. He said that his group is waiting for the advice of the HAB members. He wants discussions with the HAB on this topic. Jim likened the process of stewardship to a financial management plan, with an asset and liability side.

Max Powers said that long-term storage is not limited to Comprehensive Environmental Response, Compensation, and Liabilities Act (CERCLA) sites, but rather includes all types of environmental sites. He emphasized that it is not just a DOE issue, but also an issue for other federal agencies. Even so, he reiterated, the DOE has already accomplished some of the best work. He said that different timeframes should be considered, including annual, near term, and long-term.

Marilyn Reeves suggested that the HAB utilize the meeting summary as a method to provide input to the SSABs. She suggested that the discussion notes in the meeting summary be submitted as input. Betty Tabbutt noted that that time would drive some things to the top of the list. She emphasized that at this time, decision-making on the timing of stewardship is a key concern, along with public involvement. She said that the next consideration would be funding issues. Susan Leckband, Bill Kinsella, and Harold Heacock volunteered to compose a cover letter to transmit the portion of the meeting summary concerning stewardship to the DOE and the SSAB chairs.