

INTERGOVERNMENTAL MEETING WITH THE U.S. DEPARTMENT OF ENERGY

PARTICIPATING INTERGOVERNMENTAL GROUPS
ENERGY COMMUNITIES ALLIANCE (ECA)
ENVIRONMENTAL COUNCIL OF THE STATES (ECOS)
NATIONAL ASSOCIATION OF ATTORNEYS GENERAL (NAAG)
NATIONAL GOVERNORS ASSOCIATION (NGA)
STATE AND TRIBAL GOVERNMENT WORKING GROUP (STGWG)

NOVEMBER 5-6, 2003

WASHINGTON, D.C.

Recognizing the common interest in U.S. Department of Energy (DOE/Department) policies and programs relating to the clean up of federal facilities across the country, five intergovernmental groups organized this first joint meeting with DOE to provide an opportunity for senior Department officials to speak with the intergovernmental groups collectively and to get a clearer perspective of how the Department's initiatives affect tribal, state, and local governments. The five intergovernmental groups included the Energy Communities Alliance (ECA), the Committee on Long-term Stewardship of the Environmental Council of the States (ECOS), the National Association of Attorneys General (NAAG) Environment Project, the National Governors Association's (NGA) Federal Facilities Task Force, and the State and Tribal Government Working Group (STGWG). The agenda is available as [Attachment A](#).

The purpose of the meeting was to:

- Deliver a consistent message from DOE to all intergovernmental groups;
- Provide an opportunity for senior officials of DOE to talk with these groups collectively; and
- Provide an opportunity for communication and coordination between the groups.

DAY 1 – WEDNESDAY, NOVEMBER 5TH, 2003

PLENARY SESSION

Luncheon: Keynote Speaker – Honorable Robert G. Card, Under Secretary of Energy

Honorable Robert J. Thompson, Mayor, City of Richland introduced the Under Secretary of Energy, *Honorable Robert G. Card*. Mr. Card provided a presentation entitled "Review of Initiatives, Safety and Environmental Programs". ([Overhead slides available in hard copy from the NGA](#))

Discussion:

- In light of Mr. Card's statement that EM is going to be finished in 2025, the question was asked as to who will be responsible for the waste remaining long after EM is gone. Under Secretary Card explained that 2025 is a goal, not a commitment, and that when EM is finished, DOE will remain committed via the Legacy Management program.
- A participant stressed that DOE needs to be working now with state regulators on a regulatory structure for post closure. Under Secretary Card indicated that Mike Owen, Director of DOE's new Office of Legacy Management would be assigned to this task and, due to his extensive experience with DoD's Base Realignment and Closure (BRAC) program, would likely use it as a model.
- Under Secretary Card was asked to elaborate on the term "responsible risk." He replied that the Waste Incidental to Reprocessing (WIR) issue is an example of a waste classification that is not

risk-based, inasmuch as high level waste is defined by source, not risk. He discussed how Rocky Flats could have been cleaned up to background levels for \$5 billion, but without much benefit beyond the agreed-upon cleanup levels. He asserted there needs to be a clear benefit for cleaning up to very low risk levels to justify taking money away from other programs. He also said that, while DOE will comply with the RCRA permit at WIPP, the Department will push back hard when it thinks something is required that does not help reduce risk.

- Under Secretary Card was asked to discuss how states and local governments can work in partnership with the DOE in light of the Department's intent to revisit risk-based decisions that have already gone through an elaborate negotiation process. In his response, Under Secretary Card indicated the Department needs to work together with the partners to effectively clean up. While there will be conflicting principles at times, the Department will honor agreements (e.g., Performance Management Plans).

Introductions and Welcoming Remarks for Joint Meeting

Doug Frost, DOE's Office of Intergovernmental and Public Accountability, Office of Environmental Management (EM), welcomed all the participants and thanked key participants within EM and the Intergovernmental Steering Committee for their assistance organizing the meeting. Kara Colton, NGA, welcomed the Department on behalf of the Intergovernmental Groups and thanked everyone for their time and energy in organizing the meeting.

Office of Environmental Management – Progress Report

Assistant Secretary Jessie Roberson, Office of Environmental Management ([Prepared remarks available as Attachment C](#))

Key presentation points:

- She will revise the state grant process
- She is seeking to increase small business involvement in cleanup and is working on developing new contracts
- Wants to create a system with built in "red flags" indicated when senior management should be involved
- Compromise will be needed on the part of all parties

Discussion:

- A participant observed that the meeting was a good forum to exchange issues. He said many participants would endorse another intergovernmental meeting and Ms. Roberson agreed.
- A tribal representative expressed concern that DOE has not yet adopted the Tribal Policy. He added that as DOE continues with accelerated cleanup, the Tribes' voice is not included. The tribal policy appears to be dormant. The tribes want to become involved immediately, but they need an institutional framework. Ms. Roberson indicated that she supported moving toward concurrence on this issue.
- A local government representative expressed concern that the risk-based end states (RBES) vision process is being conducted without local review. Ms. Roberson said she thought the sites were discussing the RBES visions and stressed that the RBES visions are not yet final. Another participant asked how decisions were made in the RBES process, and expressed concern that the current method was leading to poor decisions without taking into account the background and context at the site. Ms. Roberson said the decision process for the RBES exercise will be the same as for a site's first record of decision (ROD).
- A local government participant from the Hanford site expressed a willingness to work with the Department on the high level waste (HLW) issue, saying not all of the HLW needs to come out of the tanks as long as the low level fraction is well treated. Ms. Roberson indicated that she had received a letter regarding this issue and resolution depends on what the Department can do legally.

- A tribal representative described studies indicating the risk to tribes through contamination of fish in the Columbia River as “one in 50”, and asked whether the Department would guarantee there would be no more risk to the tribes than to others. Ms. Roberson said it would be illogical otherwise.

Panel Discussion: The New DOE – Putting the Pieces Together

Bill Ross, Ross & Associates Environmental Consulting facilitated. Each panelist described their Office’s primary activities and responsibilities related to cleanup initiatives, and their interrelations with other DOE offices involved in cleanup and stewardship activities.

Mr. Michael Owen, Director, Office of Legacy Management

Key presentation points:

- The new Office of Legacy Management is not an official office yet because of the continuing resolution in Congress.
- LM will be responsible for both the “hard legacy” (e.g., sites) and the “soft legacy” (e.g., pensions, etc.) of the weapons complex.
- LM will develop a system to manage the records (currently, LM has over 400,000 cubic feet of paper records)
- Mr. Owen indicated that he is “attached at the hip” to Jessie Roberson, working daily with her to ensure a seamless transition between EM and LM.

Dr. Leah Dever, Office of Science (SC) (representing Dr. Milt Johnson, Chief Operating Officer)

Key presentation points: ([Prepared slides are available as Attachment D](#))

- SC has a significant role helping EM carry out accelerated cleanup and many workers in recent years have moved from EM to SC.
- SC’s key goals include providing science to inform decisions about environmental remediation and stewardship, enabling innovative remediation technologies and methodologies, and synthesizing across disciplines to foster new scientific approaches that match the complexity of the problems.
- SC does not currently plan to shut down any of the ten national laboratories and is committed to long-term remedial action at their sites.

Mr. C.S. Tyler Przybylek, General Counsel and Acting Chief Operating Officer, National Nuclear Security Administration (NNSA)

Key presentation points

- NNSA’s mission is (1) nuclear propulsion systems, (2) bombs, and (3) nuclear non-proliferation.
- NNSA is currently restructuring - removing the middle layer of management.
- There are now eight site offices near each NNSA facility to provide business services or technical support to sites. NNSA placed a federal official at each site, acting as the risk acceptance official and contract signer, to provide authority and responsibility as close to the work as possible.
- NNSA has renegotiated the contract at Sandia with reward terms for contractors (rewards can include more money or added contract years).
- NNSA has not addressed LTS issues, but said they should be in charge of LTS at their sites.
- NNSA will be responsible for its newly-generated waste, but mentioned “the command and control problem” whereby, under existing law, EM cannot tell NNSA staff or contractors what to do.

Mr. Randy Scott, Office of Nuclear Energy, Science and Technology (NE):

Key presentation points:

- NE is working with EM to ensure the RFP for Idaho is developed in collaboration with EM.
- NE is helping EM to accelerate cleanup.

Ms. Jessie Roberson, Assistant Secretary, Office of Environmental Management (EM)

Key presentation points:

- EM understands the importance of integration across the complex and the frequency of interactions between the different offices of the Department.
- DOE is one organization with an integrated set of missions.

Discussion :

- A state representative inquired if there is an opportunity for NNSA and SC to provide LTS funding to EM to increase the scope of cleanup, thus minimizing LTS costs and responsibility in the long run.
 - Ms. Roberson indicated they are now evaluating environmental liabilities at the on-going mission sites.
 - Dr. Dever said SC had not looked at this issue.
- A participant emphasized that DOE needs to work with state and local governments as partners (i.e., consulted early and often) in clean-up decisions, rather than as stakeholders (who are often consulted primarily at the end of a decision process).
 - Mr. Przybylek indicated that the NNSA site officials, now located closer to the sites, will provide an opportunity to improve collaboration with regulators and stakeholders.
 - Ms. Roberson she did not use the word “stakeholder” in her previous discussions.
- NNSA will be responsible for the waste they generate and will have its own environmental staff to apply for their own permits
- A question was asked whether any DOE offices were considering the use of facilities at Hanford to manage future waste.
 - Ms. Roberson said DOE is considering its waste management assets and looking at what facilities will be needed for future waste.
- The Los Alamos Project, cosponsored by NNSA and EM, decreased allocation to \$1.5 million to 4 pueblos. The decrease in funding is not enough to meet the project’s goal to provide educational opportunities to better understand cleanup needs.
 - Mr. Przybylek indicated he would look into the funding problem.
 - Other participants echoed this concern asking DOE to allocate adequate funding, making note of the federal government’s trust responsibility to protect the environment.
- Participants asked how they can help the DOE offices to integrate partners and stakeholders in cleanup decisions.
 - NNSA has established good communication with site managers via weekly conference calls and monthly memos to ensure HQ understands site issues. He added that when there is a disagreement between HQ and the site, the site is considered right until proven wrong.
 - SC said they have similar communications with their site managers.
 - NE stated it is new to being responsible for a site and is still adjusting to the communication needs.
 - Ms. Roberson indicated that she is willing to hear any ideas about how to improve integration.
 - Mr. Owen said LM is a new office and will utilize the existing infrastructure for now as they are not ready to establish an outreach mechanism yet.
- LM will not copy EM’s public participation plans. LM is working with and learning from EM to develop its own plans.
- The intergovernmental groups recognize that they will need to work with all of the DOE offices represented on the panel in the future, not just EM. The groups requested the other PSOs (i.e., NNSA, SC, NE, LM) appoint a liaison within their organizations to provide interaction at the department level and to involve the groups at the national level. The panel representative agreed that this was not an unreasonable request.

Panel Discussion: What's Worked, What Hasn't & How Do We Move Forward?

Sandra Waisley, Director, Office of Intergovernmental & Public Accountability, Office of Environmental Management, facilitated a panel discussion between with intergovernmental group representatives and DOE to assess current collaborative efforts and future opportunities.

Jon Sandoval, State of Idaho, ECOS Representative

Key presentation points:

- ECOS' four guiding principles summarized: to champion the role of states, to exchange views, to foster cooperation and communication, and to articulate needs.
- Mr. Sandoval co-chaired the ECOS and DOE forum (Sustainable Solutions Meeting in Denver) with Mr. Roitman and plans to continue working with Tom Adams at DOE on their new relationship.
- ECOS is building on the LTS subcommittee chaired by Howard Roitman, and is currently developing an emerging issues forum to enhance discussions. The subcommittee finalized an MOU to work with DOE and other federal agencies on LTS issues.
- DOE needs to work on building bridges with the intergovernmental groups.

Tom Winston, State of Ohio, co-convener of STGWWG

Key presentation points:

- Indicated that the collaborative decision making process, when used, has worked on the site and national level. What has not worked is the Department's "decide, announce, defend" mode of communication.
- Collaboration must include early notice and jointly defining the parameters/boundaries. As an example, he identified Dave Geiser's Risk-Based End States work with the groups on a national level as being open and collaborative. On the other hand, recently at Fernald, DOE conducted internal evaluations without including the stakeholders or state and local governments, causing an uproar amongst citizens groups. Additional examples of what's worked included: when the five intergovernmental groups agreed LTS was a top priority, taking up various pieces of the issue in coordination with each other; and the external national consensus about the Site Treatment Plans—Mr. Winston observed that state awareness of the big picture/national perspective was critical to this consensus and continues to pay DOE big dividends when maintained.

Seth Kirshenber, Executive Director, ECA

Key presentation points:

- Stressed the importance of early collaboration.
- Stressed that local governments are not "stakeholders", but rather "partners."
- The Intergovernmental Groups meeting is a good forum to foster collaboration.
- When EM did not talk to the local governments, EPA did
- Site managers need to meet with local governments.

Armand Minthorn, Confederated Tribes of the Umatilla Indian Reservation

Key presentation points:

- The Tribes have had a presence at Hanford for 10,000 years but DOE has only sporadically acknowledged the tribal culture.
- Tribes are seeking consistent institutional memory with the development of Tribal policy.
- DOE needs to consistently recognize the government-to-government relationship across administrations.
- Tribes believe DOE funding allows the Tribes to have a technical voice, but the recent cut in funding is restricting.

- DOE's effort to preserve a Tribal cemetery and archeological dig at Hanford is a good example of how DOE is working with the Tribes.
- Stressed the importance of DOE incorporating Tribal lessons into future actions.

Max Power, State of Washington, NGA Task Force Representative

Key presentation points:

- Stated three principles for a productive relationship between DOE and states as regulators: (1) DOE needs to share pre-decisional thinking and data; (2) DOE needs to engage the States on equity issues, and empower them with big picture data allowing each site to see how it fits into the complex as a whole; and (3) DOE needs to prevent surprises.
- Cited successful examples for each principle including: (1) DOE's Other-than and RBES Project Teams working collaboratively with the NGA Task Force; (2) information and data sharing on Site Treatment Plans in the 1990's; and (3) DOE's unexpected announcement of a TRU waste shipment from a site in Ohio to Washington.
- Collaborative work between the NGA Task Force and the National FOCUS Project Team was a missed opportunity.
- Commended DOE's waste disposition maps from the late 90's as a good mechanism for providing big picture information that is extremely useful to the states.

Gerald Boyd, Manager of Oak Ridge Operations Office, DOE

Key presentation points:

- Oak Ridge, a multi-program site, is a microcosm of the Department given the many offices represented there.
- Since all cleanup is through one contract, collaboration is key for accelerated cleanup.
- In the future, each DOE program will be in charge of its own waste.
- To maintain collaboration in the future, DOE needs to develop a way to collaborate across multiple programs.
- The ECOS LTS committee's effort to deal with LTS issues now is a good example of collaboration.
- DOE's failures to communicate usually are not intentional.

Doug Frost, Office of Intergovernmental & Public Accountability, DOE

Key presentation points:

- Managing four intergovernmental groups, he has seen harsh criticism from both sides and the truth lies in between.
- Stressed groups should not just complain, but provide concrete proposals or suggestions to improve situations.
- Commended the ECA peer exchange program, NGA collaborative work with the Other-than and RBES Project Teams, and STGWG's work with the Tribes as good examples of what's worked.

Discussion:

- A panel member expressed concern about the newfound need to interact with five DOE offices instead of just EM.
 - Sandra Waisley stated all questions for any office within DOE could be directed to Doug Frost or herself.
- A state participant observed that DOE is moving faster today than ever before, and while collaboration is messy and takes time, it leads to sustainable decisions.
 - Gerald Boyd stated ECOS' approach to LTS will pay off in the long-term despite a struggle now.
- Consistent transparency from DOE is key.
 - ECA stated site managers need to meet with local governments.

- NGA said with a lot of information in the system it is good to provide context and understand who is involved. It is also important to recognize the difference between a thought and a decision.
- It is important for States to be as efficient as possible in reviewing shared documents and collaborating with DOE to avoid unnecessary delays.
- The partners want to hear information from DOE first, rather than from newspapers.
- EM will be updating its website to improve communications with public.
- Future meetings should include issue specific breakouts.
- Need a national, not site-by-site, approach
- Doug Frost invited participants to email him with comments on the meeting.

DAY 2 – THURSDAY, NOVEMBER 6TH, 2003

The View from The Hill

Doug Stout, Office of U.S. Representative Doc Hastings (R-WA)

Key presentation points:

- Provided a brief history of the cleanup of the weapons complex and Congressman Doc Hastings' involvement
- Explained EM was formerly seen as “maintaining” the waste but now seen as accelerating cleanup and progress.
- DOE's challenge is to “keep the train on the tracks,” as there is still decades of work ahead.
- Congressman Hastings will continue to facilitate site cleanup.

Alex Jarvis, Office of U.S. Senator Lindsey Graham (R- SC)

Key presentation points:

- Provided a history of the Cleanup Caucus, which started in 1994 as a Speaker's Working Group. The participants in the Caucus work together as a group rather than as individuals, and that is rare.
- Explained DOE has a better relationship with the Hill than most federal agencies, but DOE needs to identify problems earlier.
- Regarding waste reclassification, DOE was “smacked down” for trying to insert legislation without the support of the states. DOE should have looked at the issue earlier and involved the states.
- Said states need to maintain a good relationship with their federal delegation and avoid appearing to make unreasonable claims since they tend to depend on information from state staff unless they appear unreasonable. (The regulators in SC keep their congressional representatives informed on their issues).
- Mentioned the “demographic problem,” meaning that as more sites close, fewer members of Congress will have a direct interest in cleanup.

Discussion

- A tribal representative invited Congressman Doc Hastings to come again to the Hanford Reservation to talk with the Tribes. The Tribes have an interest in becoming more involved in cleanup decisions.
- Local governments are concerned about DOE worker lay offs, especially in view of full funding.
 - Jarvis explained the EM program is not a jobs program.
 - Mr. Stout added money should be focused on cleanup and local and state governments should be working now to diversify the work force in light of plans for site closures in the future.

- EM is trying to focus its mission on cleanup. Congress is monitoring the change of sites' responsibilities from EM to other offices.
- Jessie Roberson is evaluating what EM is doing with each specific budget line.
- A state representative observed that states are not being given sufficient opportunity by DOE to comment on technical issues, and wondered whether Congress had sufficient technical resources at their disposal.
 - Mr. Stout commented there is a large amount of technical assistance available to the Hill.
 - States can provide information to the Congressional representatives at any time.

EM's Corporate Project Teams - A Wrap-up Report

Paul Golan, Chief Operating Officer, Office of Environmental Management presented an overview of the eight DOE Corporate Projects and the lessons learned.

Key presentation points ([Slides available as Attachment E](#))

- EM program was the 3rd largest liability of the federal government
- Focus has changed from managing risk to reducing risk
- Needed to ensure that objectives and performance were measurable and meaningful in large contracts
- Now have aggressive small business contract strategies
- All existing contracts have been restructured to demand more performance
- Key FOCUS Team lesson: establishing requirements is the single most difficult element and it's just as hard to develop baselines at small sites as at large sites
- EM is establishing a new Western Sites Project office
- Key Other-Than Team lesson: Equipment and infrastructure was not being used as effectively as it should have
- Key lesson for Risk Driven Disposal of SNF: not as integrated into the DOE system as it should be
- Key lesson for reducing risk (HLW) – need to get waste out of single shell tanks in Hanford; this project will go into '04
- Want feds doing federal work
- Need to improve safety before work can be accelerated – federal managers will be held accountable for site safety
- EM goal this year is to generate no new waste

Discussion

- The EM point of contact for LTS will be identified when the new EM organization goes into effect as of December 1. Dave Geiser is currently working with both EM and LM during the transition.
- The Tribes want to know when the Department plans on announcing a site for MLLW between 10 and 100 nci/g.
 - Mr. Golan indicated that he would get back to the tribes within a week.
- The Tribes do not feel they were adequately consulted during the Top-to-Bottom-Review (TTBR) process, as there was no public comment period. The Tribes expressed concern that there is now an adopted DOE policy on risk-based end-states, but they were not consulted.
 - Mr. Golan observed that the TTBR is a strategy document, not a decision document.
- The states want to be involved in the selection of a National Consolidation and Acceleration Facility (NCAF), and want to know what the decision process will be.
 - Mr. Golan said he would get back to the group on that.
- NNSA is responsible for processing, packaging, and treatment of newly generated waste (e.g., at Oak Ridge).
- A participant emphasized the need for DOE to keep the communities and partners involved in processes and decisions early in the process.

Office of Legacy Management (LM) - Update

Dave Geiser, Director, LM-40

Key presentation points on RBES

- The RBES Team worked with the intergovernmental groups and the communities to develop a Policy, Guidance document, and Corporate Strategy/Implementation Plan.
- Implementation Plan will be finished in January after the site specific RBES Visions are completed.
- RBES Draft Visions were due on October 31, 2003 and Final Visions are due on January 30, 2004. (Ohio, Idaho, and Savannah River have extensions).
- Indicated that while he is currently working in LM, he plans on working for the next one-two months with EM to assist with the RBES Project Team.

Key presentation points on LM ([Slides available as Attachment F](#))

- With DOE operating under a Continuing Resolution, LM does not yet have any formal appropriation
- Stated that he will email the Draft *Strategic Plan* for LM to the intergovernmental groups for comment.
- Money that goes into retirement budgets accounts for the majority of LM budget
- Soft side will dominate LM budget for the next few years.
- Looking to establish performance measures to determine if goals are achieved
- LM has it's own funding line, a senior manager and is lead by a political appointee
- LM preference will be to re-use land when possible and safe
- LM will be responsible for 32 sites in 2004
- LM workchart is pending
- Site transition coordinators will be appointed to serve as single LM point of contact at a site

Discussion :

- For continuing-mission sites the landlord Program Secretarial Office (PSO) is responsible for LTS. Parcels of land not continuous to the mission may possibly be managed by LM.
- A participant asked how DOE will assure that cleanup decisions take legacy management concerns into account.
 - Mr. Geiser indicated that this is inherent in the Department carrying out the mandates of the AEA, CERCLA, and RCRA
 - EM will identify and implement the remedies
 - LM expects regulators to examine DOE's proposed remedies for adequacy. LM's key role is to provide feedback to EM on how remedies are performing and sustaining. DOE will not make a decision to take on a high long-term mortgage cost.
- LTS costs are currently estimated at 1-2% of the average annual cleanup costs.
- A Tribal representative asked how impacts on treaty resources will be mitigated both now and in the long run.
 - Mitigating measures will be undertaken by EM and it will be LM's job to sustain the remedy.

Panel Discussion: Long-Term Stewardship

Howard Roitman, Colorado Department of Public Health and Environment, ECOS facilitated

The panel addressed roles and responsibilities for long-term stewardship; LTS at closure and non-closure sites; Integrating remedy selection and LTS; Mechanisms for assured funding; Information management; Determining the need for legislation (federal or state); Federal compliance with state laws; and Communication strategy of the new Office of Legacy Management.

Dave Geiser, Office of Legacy Management, DOE

Key presentation points:

- RBES vision process is a key tool for helping LM to define LTS requirements.

- DOE is making an effort to integrate LTS into DOE policies and orders (e.g., Orders 430.1 and 413.1).
- Recordkeeping and Records management currently on the Grand Junction Office's website will be part of the LM website.
- LM is seeking feedback on the mapping system/GIS and the online records system. (see www.gjo.doe.gov - under "Programs" under "LTS Surveillance and Maintenance")
- Two external reviews of LTS issues were recently published, by NRC and ECA/ELI.
- Mr. Geiser commended the Hanford and INEEL sites for working with senior management to prepare site-specific LTS strategic plans.

Steve Gunderson, NGA Task Force

Key presentation points:

- LTS is one of the biggest issues for the states
- The states stress the importance of enforceable institutional controls, determining the implementation roles and responsibilities, and determining the roles of other offices within DOE.
- The states want to work with LM on the "nuts & bolts" of stewardship.

Paula Cotter, NAAG

Key presentation points:

- Attorneys General (AGs) are focused on LTS legal policies issues and those LTS issues at their own sites
- AGs are considering how to address the enforceability of institutional controls and how to assure funding in regulatory documents. Currently, there are obstructions to institutional controls with the federal rules for transferring properties
- Question: How does the federal government plan on imposing permanence on restrictions?

David Abelson, ECA

Key presentation points:

- ECA wants to ensure remedies are effective
- The peer exchange meetings on LTS have been very successful. Another success was when ECA teamed up with the Environmental Law Institute (ELI) to evaluate the role of local governments with LTS
- Next, ECA will be look at the liabilities that may arise if locals assume LTS responsibility.
- ECA would like to keep Resources for the Future (RFF), the International City/County Management Association (ICMA), and ELI involved
- Local governments want LM to concentrate on the remedy selection, the transition from EM to LM, and what will happen once the site is with LM

Willie Preacher, STGW

Key presentation points:

- The Tribes are concerned with how LTS will be accomplished vis-a-vis treaty rights.
- Stressed the importance of continual discussion to ensure the Tribal perspective is considered.

Howard Roitman, ECOS

Key presentation points:

- ECOS has been working with other federal agencies including DOE, EPA, the Department of Defense, the Department of Interior, the Nuclear Regulatory Commission, the Department of Agriculture, etc. In April 2003, four agencies (DOE, EPA, DoD, and Interior) signed a Memorandum of Understanding to establish a common definition for LTS and determine the components of LTS.

- The ECOS LTS subcommittee continues to discuss and evaluate potential pilot projects regarding how LTS measures are selected.
- The Sustainable Solutions Meeting in Denver provided a good forum for the states and DOE to discuss LTS issues.
- ECOS is a base for the Interstate Technology & Regulatory Council (ITRC) which provides assistance on technology issues related to LTS.

Discussion

- Panelists were asked that one thing would they like to see really move LTS issues forward.
 - NGA understands LTS isn't just an EM problem, but also an LM problem. Want to talk on a deeper level. Solid and enforceable agreements will make everyone feel better.
 - Want to understand how DOE looks at long- versus short-term risk
- Most sites are not yet working with the states, tribes, local governments, or stakeholders as draft RBES visions are developed.
 - Mr. Geiser indicated that RBES Visions must comply with existing laws and regulations, even as they suggest where DOE would like to make changes.
 - The RBES Visions are not final until January 30, 2004. The sites still have time to work with the partners and the stakeholders.
- Several panelists emphasized the need to get into the details of determining specific roles and responsibilities for LTS, to pinpoint enforceability, and to remove obstructions to effective institutional controls.
 - NAAG asked how DOE will put in permanence to controls once land is in private hands
- At Rocky Flats, pro-active pre-decisional consultation with regulators fostered a good working relationship between DOE, the regulators, and the community. There were no surprises. DOE needs to incorporate lessons learned from Rocky Flats.
- DOE should consider pilot projects with Mound, Fernald, Rocky Flats, and Weldon Spring.
- DOE should consider assigning a LTS representative to interact with all the players at a given site.
- Dave Geiser stated:
 - At CERCLA and AEA sites, the Long Term Surveillance and Maintenance (LTSM) plan is the post closure plan and is enforceable.
 - ECOS is trying to "benchmark" LTS at non-federal sites.
 - Those who want to be influential when commenting on draft DOE documents should emulate Steve Tarlton of Colorado by providing constructive comments and including proposed language that can be incorporated directly into the draft document.

Facilitated Plenary Discussion

Bill Ross, Ross & Associates Environmental Consulting, Ltd., facilitated

Discussion:

- Transparency of decision making within DOE is critical.
- The Intergovernmental Meeting was productive and should to be broadened beyond EM to include all the relevant DOE offices. The meeting attracted more DOE people than ever.
- The groups look forward to learning more about the environmental management budgets in NNSA, NE, SC, and LM.
- The autonomy of the individual groups is very important and should not be lost.
- Future meetings should allow the groups to get into more detail on selected issues, or perhaps a single issue. The purpose of future meetings must be clear.
- The tribes are consistently trying to obtain answers from DOE and are being put on hold. The tribes should try to meet exclusively with DOE
- The groups want to coordinate amongst themselves better—possibly establishing a formal intergovernmental steering committee and utilizing the website.

- The states and local governments continue to see significant disconnects between the messages being sent by DOE HQ and site offices, and suggested DOE have more field people at future meetings.

Possibilities for next Intergovernmental Meeting:

- Consider the objectives/ purpose of the meeting- unified voice?
- Break out sessions to dive deeper into specific topics
- One-day meetings for each group to meet separately
- Consider inviting the Site Specific Advisory Boards
- Hold intergovernmental meeting every fall, and separate groups meetings in the spring
- Bring in other DOE offices and EPA

ATTACHMENTS

Attachment A: Meeting Agenda

Attachment B: Presentation by Under Secretary Robert Card, "Review of Initiatives, Safety and Environmental Programs" ([Overhead slides available in hard copy from the NGA](#))

Attachment C: Speech by Assistant Secretary Jessie Roberson

Attachment D: Slides presented by Leah Dever, "The Office of Science Role in Environmental Cleanup"

Attachment E: Slides presented by Paul Golan, "Environmental Management Review of Corporate Projects"

Attachment F: Slides presented by Dave Geiser on the Office of Legacy Management

All attachments except Attachment B are available at:

<http://www.client-ross.com/cleanup-news/calendar.htm>