



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

July 6, 2000

Mr. Rod Nelson
Assistant Manager for Environmental Management
DOE-ORO
P.O. Box 2001
Oak Ridge, TN 37831

Dear Mr. Nelson:

Recommendation for Revisions to the *Public Involvement Plan for the Oak Ridge Reservation* (DOE/OR/01-1552&D1)

At our July 5, 2000, Board meeting, the Oak Ridge Site Specific Advisory Board reviewed and approved the attached recommendations and comments on the subject document.

The Board asserts that the subject document, dated November 1997, does not comply with the public involvement requirements found in the Federal Facility Agreement for the Oak Ridge Reservation (FFA), The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Environmental Protection Agency guidance in implementing CERCLA. The Board recommends that the document be revised with the assistance of stakeholders and regulators.

We appreciate the opportunity to comment on the document and look forward to receiving your written response to our recommendations and comments.

Sincerely,

A handwritten signature in black ink that reads "Steven H. Kopp".

Steven H. Kopp, Chair

SHK/dah

cc: David Adler, DOE-ORO
John Hankinson, EPA
Earl Leming, TDEC
Ralph Skinner, DOE-ORO
Julie Pfeffer, DOE-ORO
Pat Halsey, DOE-ORO



Oak Ridge Site Specific Advisory Board
Recommendation for Revisions
to the *Public Involvement Plan*
for the Oak Ridge Reservation (DOE/OR/01-1552&D1)

ISSUE:

The DOE Public Involvement Plan (DOE/OR/01-1676&D1, dated November 1997) does not comply with the public involvement requirements found in the Federal Facility Agreement for the Oak Ridge Reservation (FFA), The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and Environmental Protection Agency (EPA) guidance implementing CERCLA.

BACKGROUND:

As described in Part C.1.a. of Section XXI. REVIEW/COMMENT ON RI/FS AND RD/RA FINAL DOCUMENTS of the FFA, the DOE Community Relations Plan is a primary report subject to review and comment by the EPA and the Tennessee Department of Environment and Conservation (TDEC).

Section XXXIV. PUBLIC PARTICIPATION of the FFA states that work conducted under the FFA shall comply with the public participation requirements of CERCLA and all applicable guidance developed by EPA. Furthermore, Section XXXIV states that public participation “. . . shall be achieved through implementation of the approved Community Relations Plan prepared and implemented by DOE.”

As presently written, the DOE Public Involvement Plan is hopelessly out-of-date with regard to current information (e.g., telephone numbers, addresses, organization names) and recent stakeholder public involvement activities (e.g., the End Use Working Group, the Stewardship Working Group, the Oak Ridge Environmental Justice Committee). It is misleading with regard to application of the National Environmental Policy Act (NEPA) to CERCLA remedial actions. (In general, Chapter 2: A Stakeholder’s Reference to environmental laws should emphasize CERCLA and its implementing regulations.) It does not clearly and specifically list where, when, and how stakeholders should expect to be (are required to be) involved in CERCLA activities. Appendix A: CERCLA Involvement Requirements does not provide references to the listed requirements. It ignores the community involvement requirements in EPA guidance

(e.g., the EPA Comprehensive Five-Year Review Guidance). It contains pages of information that have no relation to community involvement in CERCLA activities.

RECOMMENDATION:

The Oak Ridge Site Specific Advisory Board recommends that the DOE Public Involvement Plan be rewritten with the assistance of Oak Ridge stakeholders and that a draft be distributed to EPA, TDEC, and the public for review and comment prior to finalization.