



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

February 19, 2003

Mr. David Geiser
Director, Office of Long-Term Stewardship
EM-51/Forrestal Building
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Dear Mr. Geiser:

Comments on the Draft Departmental Policy “Cleanup Driven by Risk-Based End States” and the Draft Guidance “Development of Risk-Based End States”

The Oak Ridge Site Specific Advisory Board (ORSSAB) Stewardship Committee, which has been designated by the U.S. Department of Energy Oak Ridge Operations (DOE-ORO) Environmental Management Program as the interim Citizen’s Board for Stewardship (Public Involvement Plan, DOE/OR/01-1950&D3, October 2001), reviewed the subject documents and developed the enclosed comments, which were subsequently approved by the ORSSAB. Please note that the Oak Ridge Reservation cleanup strategy has been driven by risk-based analysis and an end-state vision developed by the DOE-ORO Environmental Management Program, the local regulators, and the citizen’s End Use Working Group. In other words, Oak Ridge has risk-based inputs with stakeholder agreement.

The ORSSAB concurs that implementation of this headquarters policy and guidance will contribute to completion of the complex-wide cleanup. A focused and rigorous effort by the Department, its regulators and stakeholders; dedicated resources; and clearly defined and articulated end states are integral to completion. Local governments have neither legal mechanisms nor resources to solve long-term stewardship issues.

Stakeholders and regulators must be consulted in the actions needed to develop and achieve risk-based end states. Unless stakeholders and regulators are included, the Department should expect a significant erosion of the trust that has taken years to establish.

Anything less than total cleanup results in an economic burden on the community. Potential economic impacts are not addressed by the Comprehensive Environmental Response, Compensation, and Liability Act. Therefore, economic impacts must be considered when end-state visions are being determined.

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It is refreshing to see that the Department policy and guidance includes contingency planning in the event that site conditions change after cleanup is completed. Such Planning is part of a fully developed and integrated long-term stewardship program.

Thank you for the opportunity to comment on these key documents, and we look forward to working with you in the future regarding environmental remediation of the Oak Ridge Reservation.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Mosby". The signature is stylized and cursive, with a horizontal line underlining the name.

David N. Mosby, Chair

Enclosure

cc/w enc: David Adler, DOE-ORO
Pat Halsey, DOE-ORO
Connie Jones, EPA
John Owsley, TDEC
Ralph Skinner, DOE-ORO
Sandra Waisley, DOE-HQ



Oak Ridge Site Specific Advisory Board Comments on the Draft Departmental Policy “Cleanup Driven by Risk-Based End States” and the Draft Guidance Document “Development of Risk-Based End States”

1. The SSAB is pleased to note the encouragement in Jessie Hill Roberson’s memorandum of December 16, 2002, to share the draft documents with local stakeholders, regulators, and Tribal Nations. We share Ms. Roberson’s belief that the policy and guidance, if correctly implemented, will have a profound impact on the approach the Department uses to conduct cleanup.
2. The policy and guidance appear to be sound. They reflect an approach commonly endorsed by stakeholders - to base decisions on desired outcome. However, elevating the role of stakeholders, including local governments, needs better definition.
3. A major challenge with risk-based cleanup with long-lived contaminants is that end-use visions will change over time. Today’s expected land use could be recreational or industrial, but the process needs to accommodate change 50 to 100 years from now when a community may need the land for other purposes.
4. Use of “completion” and “exit strategy” reinforces the need for DOE to take responsibility for long-term stewardship (LTS). LTS needs more mention in both the policy and guidance.
5. In Section 4 of the Guidance Document (page 2, 1st bullet), it is stated that the Department will comply with the nation’s environmental laws and regulations. “However, the requirement to develop and achieve risk-based end states will drive the Department’s compliance strategy.” It should be clearly stated that the nation’s laws remain pre-eminent.
6. In Section 5 (page 3), the Guidance Document notes that more internal planning may need to be completed before regulatory agencies or stakeholders are approached. The SSAB believes that DOE must include regulatory agencies and stakeholders at the earliest possible time. Any re-negotiation of original cleanup criteria must be open and transparent to interested stakeholders and local governments. Communication among all parties is very important at this point.
7. Section 5.0, paragraph 4. Please define/describe what is meant by a “validated site conceptual model.”
8. The SSAB is especially pleased with the final paragraph of Section 5 (page 4) that consideration of the “long-term cost of stewardship” must be incorporated in planning.
9. The use of steady state and end state in End State Vision Consideration #2 is somewhat confusing. Please clarify.