



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

June 10, 2004

Mr. Steve McCracken
Assistant Manager for Environmental Management
DOE-Oak Ridge Operations
P.O. Box 2001, EM-90
Oak Ridge, TN 37831

Dear Mr. McCracken:

**Oak Ridge Site Specific Advisory Board Recommendations and Comments
on the *Public Involvement Plan for CERCLA Activities at the DOE Oak Ridge Reservation*
(DOE/OR/01-2163&D0)**

The Oak Ridge Site Specific Advisory Board (ORSSAB) approved the enclosed recommendations and comments at our June 9, 2004, meeting.

We appreciate your consideration of our recommendations and look forward to receiving your written response.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Mosby".

David N. Mosby, Chair

DNM/plo

Enclosure

cc w/enc: Dave Adler, DOE-ORO
Pat Halsey, DOE-ORO
Connie Jones, EPA Region 4
John Owsley, TDEC
Sandra Waisley, EM-33, DOE-HQ



Oak Ridge Site Specific Advisory Board
Recommendations and Comments on the *Public Involvement*
Plan for CERCLA Activities at the DOE Oak Ridge Reservation
(DOE/OR/01-2163&D0)

BACKGROUND

Both the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the *Federal Facility Agreement (FFA) for the Oak Ridge Reservation* require the U.S. Department of Energy (DOE) to issue a community relations plan. DOE's *Public Involvement Plan for the Oak Ridge Reservation* (DOE/OR/01-1552&D1) was published in November 1997.

In July 2000, the Oak Ridge Site Specific Advisory Board (ORSSAB) submitted a recommendation to DOE¹ that the November 1997 document be updated with the assistance of Oak Ridge stakeholders and that the Tennessee Department of Environment and Conservation and the Environmental Protection Agency be provided an opportunity to review the document as an FFA "primary report," as stipulated under FFA Section XXI, Part C.1.a.

DOE agreed to these requests and committed to updating the plan every three years. The revised *Public Involvement Plan for CERCLA Activities at the DOE Oak Ridge Reservation* (DOE/OR/01-1950&D3) was published in October 2001. ORSSAB and other Oak Ridge stakeholders played an integral part in creation of the new plan, offering extensive comments on the structure and content.

DISCUSSION

According to Appendix E of the FFA, DOE must issue a revised Public Involvement Plan by July 15, 2004. To meet that goal, DOE held a kickoff meeting on February 12 to gather initial input from a spectrum of stakeholder groups on how the plan should be revised. Attendees included representatives from ORSSAB, the Local Oversight Committee, the City of Oak Ridge, and other organizations. Working from comments gathered at the meeting, DOE issued a draft document for stakeholder review on April 16, 2004.

Because ORSSAB serves as a communications link between the public and DOE, the board has a vital interest in helping to ensure that the plan accurately and effectively communicates the various aspects of public involvement in the cleanup effort. The Public Involvement Plan serves a crucial function by providing stakeholders with a general understanding of the environmental management program and how the public can play a part in remediation decision-making.

While the ORSSAB Stewardship Committee played the key role in development of the October 2001 plan, this time both the board's Stewardship and Public Outreach committees worked with other local stakeholders to develop comments on the document. On May 4, 2004, a working group assembled as part of the standing Public Outreach Committee meeting and developed the following consensus comments.

¹ "Recommendation for Revisions to the *Public Involvement Plan for the Oak Ridge Reservation*, DOE/OR/01-1552&D1" (www.oro.doe.gov/em/ssab/Recommendations/FY2000/r07-5-00.13.pdf)

RECOMMENDATIONS/COMMENTS

In general, the document appears to be well written and is a reasonably good plan. The design is effective, and the material is presented at an appropriate reading level for the public. Some improvements could be made, and specific suggestions to address them follow. Our most important comment deserves special attention, however, so it will be addressed first and separately from the others.

We believe that wording in the section “Public Involvement in Long-Term Stewardship: Citizen Leadership on National Issues” undermines previous statements on stewardship that were endorsed by the Environmental Management Program and issued in the October 2001 iteration of the Public Involvement Plan.

Page 8 of the 2001 plan states: “Today, the ORSSAB Stewardship Committee continues to work on crucial long-term stewardship issues. The committee is made up of many of those who were part of the End Use Working Group and the Stewardship Working Group. The committee also serves informally as a Citizens Board for Stewardship, and will continue to do so until the ORSSAB completes its mission and is disbanded. At that time, it is anticipated that a formal Citizens Board for Stewardship will be constituted.”

Page 8 of the 2004 document states: “The ORSSAB Stewardship Committee, established in 2000, continues to work on these issues and others. Major concerns include integration of long-term stewardship with remediation decisions; establishment of a Citizens’ Board for Stewardship when DOE remediation and the ORSSAB is disbanded; development of a Long-Term Stewardship Strategic Plan for the Reservation; and development of a Long-Term Stewardship Implementation Plan for the Reservation.”

In 2001, the Assistant Manager for Environmental Management in Oak Ridge, Rod Nelson, endorsed the concept that ORSSAB has the right to serve informally as the Citizens Board for Stewardship and will continue to do so until ORSSAB completes its mission and is disbanded. He acknowledged that when ORSSAB disbands, DOE anticipates that a formal Citizens Board for Stewardship will be constituted. In order to prevent dilution of this authority, ORSSAB strongly recommends the replacement of this paragraph with the following text to reinstate the concept from the October 2001 plan.

“Today, the ORSSAB Stewardship Committee continues to work on crucial long-term stewardship issues. Major concerns include integration of long-term stewardship with remediation decisions, application of the Long-Term Stewardship Strategic Plan for the Reservation, and the development of a Long-Term Stewardship Implementation Plan for the Reservation. The committee also serves informally as a Citizens’ Board for Stewardship and will continue to do so until the ORSSAB completes its mission and is disbanded. At that time, it is anticipated that a formal Citizens’ Board for Stewardship will be constituted.”

Other comments are as follows.

- Because this plan has been created for the public, the public should be included in reviewing the next iteration of the document.
- Check text in sections copied from the October 2001 plan to ensure it melds with new material written for this document.
- Page 5, last bullet. The sentence indicates the existence of more than one DOE Information Center, but there is only one in Oak Ridge.

- Page 6. Reference the fact that ORSSAB formed the Stewardship Working Group, and spell out “SWG” to avoid using unnecessary abbreviations. Please check the document for other unnecessary abbreviations.
- Pages 6–8. Some reviewers were confused about why the timeline stopped at 2000, so it may be helpful to reconsider the layout of this section. Omitting the empty leaf in the graphic on page 6 and changing the headline on page 7 to “Public Involvement During the Years of 2001-2004” may aid comprehension.
- Page 9. It should be made clear that the East Tennessee Technology Park has no future DOE mission after cleanup. In the last sentence of first paragraph of “The Oak Ridge Reservation Today,” modify the statement: “The Reservation is separate from Oak Ridge commercial and residential areas.” The East Tennessee Technology Park contains commercial operations and is part of the reservation as well as the city of Oak Ridge. Please the verify acreage of the reservation.
- Page 10. Use a map that shows the Oak Ridge city limits (example attached). Include a smaller map showing the location of the Oak Ridge Reservation in Tennessee to show readers from outside this area where the reservation is located.
- Page 11. The section “Appendixes E and J to the Federal Facility Agreement” should mention that Appendix E projected milestones are enforceable. Please add the web address to the sentence “Both appendixes are kept updated on the Web...”
- Page 11. The “Cleanup Strategy” section is confusing. It mentions five watersheds used for “a comprehensive watershed approach to remediation planning,” and it also states that “cleanup on the Reservation is divided into three general areas...” We recommend rewriting this section to clarify the distinction. Although Accelerated Closure is mentioned very briefly in two other sections of the plan, we believe that since it forms the backbone of the Environmental Management Program that it deserves substantive discussion in the “Cleanup Strategy” section. The third sentence should read: “In contrast, the watershed approach allows decisions...” instead of “In contract, the watershed approach allows decision....”
- Pages 11–12. It is not readily apparent why the recent accomplishments listed are important. It would strengthen this section to add text to “Cleanup Strategy” discussing why some of these actions are significant (e.g., building removals save money on surveillance and maintenance costs; hydrological isolation reduces risk to human health and the environment). Add text on how to get information about these projects for readers who want to learn more.
- Pages 13–19. Move the maps on these pages to an appendix. Use text at the beginning of the appendix to explain the data contained in the maps and its importance to the cleanup program and public involvement. Explain in general terms the scope of change between the “current state” and “project end state” diagrams. All the maps should be placed one to a page and enlarged so that they’re legible.
- Page 22. The groundwater remediation discussion in “Key Challenges...” raises questions for readers new to the Environmental Management Program: What are the restrictions? Where are they? Where can I get more information? We suggest adding text on how to get information for the benefit of readers who want to learn more.
- Page 22. In “Participation in Regulatory Reviews,” tell where the Remediation Effectiveness Report is available. The first sentence of the second paragraph states: “The reports are issued for public review and historically have generated substantial public comment.” This could be strengthened with the addition of wording such as: “The 2002 Remediation Effectiveness Report generated substantial public outcry over the fact that DOE originally released it as a ‘Official Use Only’ document, which significantly restricted its availability to the general public for the stated purpose of issuing the

report—public review. DOE responded to the public, and the 2003 Remediation Effectiveness Report is not designated as ‘Official Use Only’.”

- Page 23. In the sidebar “Explanations of Significant Differences,” add information on where the fact sheets are available.
- Page 25. In the second sentence of the second column of “The CERCLA Process,” please explain or give examples of “pertinent” comments (as opposed to non-pertinent comments). Also, please state that the comments may result in changes to the plan (in addition to being “responded to”).
- Page 25. How do groups and documents such as the End Use Working Group recommendations and the stewardship documents fit into the CERCLA process? Please provide a brief discussion in the “CERCLA and Environmental Management Program” chapter to help tie these documents into the CERCLA process.
- Page 26. Add a footnote explaining that frequently two successive reports are combined, or some are divided between different parts of the job.
- Page 27. In the last sentence of “Removal Actions,” the phrase “...the Administrative Record File” should be “...the Administrative Record.” Give an example of a removal action (e.g., Corehole 8).
- Page 28. In “Other Environmental Laws and Directives,” consider adding the Clean Air Act and the Clean Water Act.
- Page 29. Tell how to get on stakeholder mailing list. Add reference (including web address) to the two volumes of the *Oak Ridge Reservation Stakeholder Report on Stewardship*, either under “Publications of Interest to Stakeholders” or “Stakeholder Group Publications” on page 30.
- Page 30. In “Other Reports,” change “The following annual reports...” to “The following reports...” The CERCLA Five-Year Report is not an annual.
- Page 35. In “Oak Ridge Site Specific Advisory Board,” add that board meetings are broadcast on local cable channels.
- Page 36. Add the Community Reuse Organization of East Tennessee and the Roane County Environmental Review Board.
- Page 45. Please note that under NEPA complying with other regulations and laws (such as the National Historic Preservation Act) impacts cleanup activities.
- Page 46. It would be beneficial to add the year of enactment to all items on the NEPA/CERCLA integration chart. Explain why this integration is important. At the end of the first paragraph of text add: “The RCRA regulations deal primarily with waste from current or ongoing operations, and as such, the waste is designated as newly generated.”
- Page 47. In the first bullet of “RCRA Public Involvement on the Reservation,” “grants and appeal” should be “grants an appeal.” Explain “trial burn” for the benefit of the layman. Add to the beginning of the first sentence: “To address environmental problems.”