

**FINAL MEETING SUMMARY**

**HANFORD ADVISORY BOARD  
PUBLIC INVOLVEMENT AND COMMUNICATION COMMITTEE MEETING  
April 1, 2009  
Portland, OR**

**Topics in this Meeting Summary**

Welcome and Introductions..... 1  
Approve meeting summary ..... 2  
TPA Agencies Public Involvement Activities..... 2  
TC&WM EIS ..... 3  
Public involvement, TPA change package and stimulus funding ..... 5  
Committee Business ..... 7  
Handouts..... 9  
Attendees ..... 9

*This is only a summary of issues and actions in this meeting. It may not represent the fullness of ideas discussed or opinions given, and should not be used as a substitute for actual public involvement or public comment on any particular topic unless specifically identified as such.*

**Welcome and Introductions**

Steve Hudson, committee chair, welcomed the Public Involvement and Communications Committee (PIC or the committee) and introductions were made.

Steve announced that Ken Niles will share his public involvement presentation that the committee heard in December 2008 with the full Board on Friday, April 3. Steve also noted that Dave Brockman, manager of the U.S. Department of Energy – Richland Operations Office (DOE-RL), and Shirley Olinger, manager of the U.S. Department of Energy – Office of River Protection (DOE-ORP), will share information about American Recovery and Reinvestment Act (ARRA) stimulus funding at the Board meeting on Thursday, April 2.

Steve noted that PIC’s December public involvement strategic workshop was acknowledged at the recent Office of Environmental Management Site Specific Advisory Board (EM-SSAB) meeting in Savannah, Georgia.

Meeting agenda topics included:

- An update on public involvement for the Tri-Party Agreement (TPA) change package and federal stimulus funding through ARRA.
- A discussion on the public involvement for the Tank Closure and Waste Management Environmental Impact Statement (TC&WM EIS).
- An update on other TPA agencies [DOE, the U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology)] public involvement activities.

### **Approve meeting summary**

Steve said the February meeting summary identified a number of great public involvement activity ideas and goals. He encouraged the committee to pursue and engage in more public involvement efforts. Steve also reported that PIC provided productive comments on the TPA change package fact sheet to the TPA agencies public involvement staff during a special PIC conference call in March.

The summary was adopted.

### **TPA Agencies Public Involvement Activities**

At the last PIC meeting, Steve said the agencies brought forth several issues for PIC to discuss and provide guidance on public involvement.

Dennis reviewed upcoming issues with public involvement components:

- Tanks for purged water
  - Dennis described how water is purged into a modular tank (a “Modutank”) during well installation. The purged water tanks look like above-ground swimming pools. The system is almost at capacity, so DOE is developing an Engineering Evaluation/Cost Analysis (EE/CA) that will evaluate alternatives to manage purged water. Dennis said there will be a 30-day public comment period and possibly a public meeting, if there is enough interest. Dennis thought it was a relatively low public involvement priority.
- Environmental Restoration and Disposal Facility (ERDF) expansion
  - Dennis said ERDF is reaching capacity and EPA needs to authorize building more cells. Dennis said the major change is that two cells used to make up a unit; engineers are now proposing a new design called a “super cell.” It requires a Record of Decision (ROD) amendment; the 30-day public comment period will start around April 20. Dennis said the River and Plateau Committee (RAP) will discuss waste acceptance criteria at its next meeting on April 14. Dennis encouraged PIC members with interest to call in to the RAP meeting.
- Model group waste sites (MG1 and MG2)
  - Dennis said EPA considers them “dig and haul” sites. EPA is looking at a seventh ROD; DOE will develop EE/CAs over the coming months to evaluate the sites.
- Hexavalent chromium
  - Dennis said DOE will develop a proposed plan to deal with hexavalent chromium in the 100 Area and in the groundwater. Dennis suspected it will target vadose zone chromium problems since most of the pump and treat groundwater systems handle chromium relatively well. The proposed plan is due to EPA in June with a public comment period to follow. Dennis said EPA may host a public meeting if there is enough interest.
- Facility consolidation/Rattlesnake Mountain
  - Paula Call, DOE-RL, said there will be a National Environmental Policy Act (NEPA) public comment period, possibly starting in May. Paula noted that NEPA does not carry 30-day advance notice requirements, but DOE will still provide early notice since the public is accustomed to it.
- TC&WM EIS

- Resource Conservation and Recovery Act (RCRA) site-wide permit

Dennis did not discuss the TC&WM EIS and RCRA site-wide permit as they are individual agenda items.

#### *Discussion*

Greg deBruler asked how big the Modutanks are; Dennis and Barb Wise, CH2M Hill Plateau Remediation Company (CHPRC), thought they were about five feet tall and can be made to meet most any capacity need. Dennis was not sure how big the tanks will actually be.

Greg asked about ERDF waste acceptance criteria. Dennis said a draft performance assessment and risk assessment were used to conservatively select waste acceptance criteria. EPA asked for a new performance assessment. Greg commented that waste acceptance criteria are the critical pieces for public involvement. Dennis said from his perspective, EPA set very conservative waste acceptance criteria and now wants to revisit assumptions to ensure they are still valid. Ken asked what happens if they were not conservative enough; Dennis said they would have to look at another site.

Pam Larsen said she thought hexavalent chromium was just at D Area. Dennis said hexavalent chromium is also in K Area and BC Area (non-vadose zone). The proposed plan will look at better technologies to deal with hexavalent chromium.

### **TC&WM EIS**

Ken said the Board issued advice in February that proposed a public process for the TC&WM EIS. So far, the Board has only received a response from Ecology, and does not know if the public comment period will be 120-days as requested, or if there will be a workshop followed by public meetings. Ken said the committee may not have much to discuss until they hear from DOE.

#### *Discussion*

Dennis asked what Ecology said in their response to the advice. Ken said they thanked the Board for the advice and said the length of a public comment period is DOE's decision.

Gerry Pollet said he heard that the TC&WM EIS may be further delayed, leading to the delay of proposed public meetings to the summer. He said summer is a bad time for public meetings and the advice did not intend to recommend public meetings for that time period.

Dennis asked if the RCRA site-wide permit is still on schedule. Sharon Braswell, Ecology, said they are pushing to have it out for a 90-day public comment period in July and will host a public workshop around the September Board meeting. She said Ecology would like PIC's help.

Pam said the TC&WM EIS should be done before the RCRA site-wide permit. The permit should be based on the EIS. Gerry said in his discussions with Ecology, he found that some aspects of the permit are not affected by the TC&WM EIS and are sections that Ecology would like to get on with. However, he said, it is hard to parse the issues and there are many cumulative impacts and safety issues that an EIS is supposed to address.

Dennis asked what aspects of the permit Ecology will wait on until after the TC&WM EIS is complete. Jeff Lyon, Ecology, said there are two “phases” to the permitting process. The first phase is the permit that will be issued for public comment in July. Among other items, the permit contains the waste management conditions for the tank farms, ongoing procedures and operations for closing tanks. He said there will be a section reserved for the tank closure plan, which Ecology will address after the TC&WM EIS is complete. DOE will prepare a closure plan to include or incorporate into the single-shell tank closure plan of the permit. Jeff said the closure plan would be available for public comment. Jeff said the permit refers to the compliance schedule required the Tri-Party Agreement (TPA), including how long single-shell tanks will operate. He said Ecology uses a tank waste management system, and felt it prudent to include controls about how DOE manages tanks.

Betty Tabbutt asked why there is pressure to issue the RCRA site-wide permit as soon as possible. Cheryl Whalen, Ecology, said the permit has been expired for some years and it needs to be reissued. Betty commented that someone must have recognized that the permit and EIS are tied together. Dennis noted that EPA wants Ecology to update the permit.

Gerry asked why the permit is late. Cheryl said it has been a bigger effort than anyone at Ecology ever thought it would be. Jeff noted that the single-shell tanks are a small part of the permit.

Gerry said a permit application does not show alternative evaluations. Cheryl said that is why Ecology is reserving some parts of the permit until after the EIS analyzes alternatives.

Susan Hayman asked the committee if it is important to put the concept of completing the TC&WM EIS before the permit into advice. She said PIC has discussed the issue a number of times and asked if it is a question that another committee should discuss. She thought it seemed ripe for Board action, but maybe not by PIC. Pam thought it was a joint committee issue or Committee of the Whole discussion.

Jeff said Ecology can identify what sections are reserved. The committee decided to ask Ecology for a list of permit sections that will be reserved until the TC&WM EIS is complete. It also agreed that it may be an issue for the Committee of the Whole.

Betty commented that PIC needs the TC&WM EIS release date to make the discussion worthwhile. Lori Gamache, DOE-ORP, apologized that Mary Beth Burandt, DOE-ORP, was not available and said DOE received the Board advice regarding the public comment period. It went to Shirley Olinger and Inez Triay, acting assistant secretary for the Office of Environmental Management, who are evaluating whether or not they can extend the public comment period. Lori said they are working with DOE-Headquarters (DOE-HQ) on the TC&WM EIS and still plan to issue the draft this spring.

Gerry said the advice was based on a March release date. If the TC&WM EIS is not released until May, DOE should know that holding public meetings in the summer is not a good plan and not what the Board advised. Susan Hayman asked how the committee would effectively influence and communicate this to DOE. Gerry thought a letter could clarify that public meetings held in the summer is not consistent with the intent of the advice.

Bob Parks asked why it is insufficient to have a public comment period that is less than 120-days. Gerry said the advice issued in February identified that people need more time to read the document, learn from public meetings, and develop their comments after public meetings.

Dennis noted that if the TC&WM EIS public comment period starts in June and runs for 120 days, the agencies could host public meetings in September and still give people enough time to comment. Gerry agreed that could work, and added that the comment period should extend into the fall to accommodate an appropriate time for public meetings, whether it is 120-days or longer. Lori said she will share that information with Mary Beth Burandt and DOE management.

Greg commented that PIC should not assume that DOE will consider extending past 120-days unless the Board requests it.

Susan Leckband thought the public involvement process for the TC&WM EIS should be event-driven. She thought PIC could provide some criteria that DOE should meet, regardless of the length of the public comment period. Betty agreed and said the public comment period should be triggered with the release of the TC&WM EIS.

Susan Leckband said to meaningfully involve the public, the comment period should be at a time when the public is available to respond. The agencies should avoid having public comment periods during the summertime and over holidays.

Liz Mattson asked if there was a reason why the TC&WM EIS could not be released in phases. Betty said it is a decision document and DOE cannot make a decision until it is complete. Dennis added that it has to be done as a whole.

Liz asked if the Board has issued advice about DOE providing realistic timeframes for EISs. Pam commented that DOE-HQ is usually where the timeline bogs down, not at the local DOE offices.

Susan Leckband asked if Ecology was willing to provide an explanation with the permit about what certain sections are reserved and why. She thought it would help the public understand why some sections are not included, whether it is because of the TC&WM EIS or some other information gap. Jeff agreed and said Ecology could do that. He said they are already providing a statement of basis for the permit, and can provide more detail about the reserved sections.

The committee decided to:

- Draft a letter stating that DOE should not delay the release of the TC&WM EIS and DOE should provide a public comment period and meetings that extend into the fall and/or beyond. Greg deBruler will draft the letter.
- Draft a letter asking Ecology to identify in the RCRA site-wide permit what elements are being reserved until after the TC&WM EIS is issued. Gerry and Steve will draft the letter.
- Involve other committees on the issues of the ordering of the TC&WM EIS and the permit and possibly have a Committee of the Whole meeting. Susan Hayman will ask the other committees about the issue.

### **Public involvement, TPA change package and stimulus funding**

Steve said PIC's discussion on the TPA change package showed that PIC needs to invest more of its time to meet its responsibilities. He thought PIC does not have a good sense of how to prioritize its work or how to evaluate its performance. Steve commented that the committee should think about lessons learned from working through the change package and associated stimulus funding issues. He thought PIC provided good comments on the proposed TPA change

package fact sheet. Steve believed that PIC has the responsibility of getting informational materials to the public.

### *Discussion*

Dennis thought PIC reviews substantial issues and showed today that it comes to action by deciding to issue letters, for example. He agreed that it seems PIC does not have enough time to develop timely advice. Dennis thought letters may be a good mechanism for PIC to get its thoughts to the agencies without violating Board process.

Gerry said in February, there was clear consensus on the need to hold public meetings for the TPA change package. He asked why the agencies need a letter if there was already agreement on the issue. Sharon said Ecology brought the TPA change package to the committee in February and heard that public meetings around the region may not be warranted, especially with all the other issues on the horizon that the agencies may ask the public to comment on. She said they heard from some people that the agencies should combine the TPA change package and stimulus funding topics. Based on that, Sharon said the agencies agreed to extend the comment period by three weeks (to May 15) and set up some regional meetings. Sharon said she's talked to Heart of America Northwest and the Oregon DOE to identify dates and locations for meetings in Seattle and Portland. She said the agencies did hear the committee's wishes and is trying to accommodate everyone's needs. The purpose of the public meetings will be to discuss the draft TPA change package that is out for public comment. Based on comments on the last PIC call, she said the agencies agreed to discuss stimulus funding as well.

Sharon said the agencies are looking to have a public meeting in Portland on May 12 at the Oregon DOE office and either May 5, 6 or 7 in Seattle. Sharon said she would appreciate location suggestions.

Dennis thought the committee should formally document their requests; a letter may have been a good way to helpfully move agency discussions along.

Gerry noted that 54 people attended a Heart of America Northwest public meeting in Portland. Dennis said he tried calling Gerry to discuss the comment period extension and would have liked to have known about Heart of America Northwest's public meeting.

Susan Leckband said the committee has always had problems with meeting the day before the Board meeting. She said PIC could meet during committee week; Gerry said the current PIC meeting slot was selected as a cost-savings measure. Susan did not think it would cost any more for PIC to meet during committee week and said she will discuss it with the agencies.

Betty asked if the public would be able to comment on the stimulus funding work scope. Paula said the public comment period is about the TPA change package, which is what the public meeting will focus on. Sharon added that the agencies will still have a budget workshop in the Tri-Cities to discuss budget and baseline information. The budget workshop will probably be held in late May or early June. Sharon noted that the Tri-Cities did not ask for a public meeting on the TPA change package. Bob said the Tri-Cities is interested in learning more about the stimulus funding work scope. Sharon said if there is interest, they could hold a public meeting in the Tri-Cities.

Gerry said the public should be able to comment on the stimulus funding work scope. Sharon said the agencies will take comments and discuss stimulus funding as much as they can, but the purpose of the upcoming May meetings is to discuss the TPA change package.

Ken commented on his understanding of the process. The public meetings are being held in response to the request to hold meetings on the TPA change package, but the agencies will also share information on the stimulus funding and any new budget information they have at the time. He said the agencies will not take formal comments on the stimulus funding work scope, but there is now a connection between parts of the TPA change package that addresses delaying work that now appears to be funded by the stimulus package.

Pam said the Board already provided advice on how it would like DOE to spend stimulus funding. She said she was anxious to see the responses to that advice. She noted that stimulus money must be used consistent with regulatory agreements.

Susan Hayman commented that PIC may leave its ideas open for interpretation if it does not formalize them into advice or a letter to bring to the full Board.

Gerry said the agencies should have a public involvement plan with goals for the entire year. He thought there should be a better way for the agencies to know ahead of time what type of public involvement activities they will need to hold and for what issues. He did not think writing letters was the sole solution.

Paula said in this case, a letter would have been valuable. She said there are many issues throughout the year that the agencies have to evaluate and decide what to bring forward for public comment. She said they are very careful not to overwhelm the public with issues where there is not genuine well-rounded interest. She commented that DOE cannot take letters or advice from individual committees, and encouraged PIC to follow the usual process of bringing issues, letters and advice forward to the entire Board for consideration. Paula noted that she could not agree that the agencies knew in the fall of 2008 that there would be a TPA change package comment period, and did think it was fair to say they announced it at the last minute. It can be difficult to time public involvement approaches when issues require the cooperation of three government agencies.

Gerry thought PIC should not have to bring an issue regarding interest in public meetings forward to full the Board if significant interest is expressed during PIC meetings. Gerry feels that there is a difference between the PIC and the other HAB committees, and that PIC is often the “sounding board” for their constituencies. Susan Hayman recommended that the committee resolve the different expectations that people have for the PIC committee and its appropriate role.

Betty thought there was a full public involvement schedule: TPA change package and stimulus funding public meetings, budget and baseline workshop, TC&WM EIS, RCRA site-wide permit, and State of the Site meetings in the fall. Dennis agreed that the agencies should evaluate the potential for public involvement “overload,” and thought they could potentially push State of the Site meetings to later in the year. Steve thought the committee could evaluate if they should have another workshop (possible in June) to develop fresh ideas for the State of the Site meetings.

### **Committee Business**

PIC will have a committee call in April.

Susan Leckband reminded the committee about the DOE technology meeting on June 9 and 10.

Steve said Helen Wheatley is still consolidating past advice and responses and Bob Parazin is working on the public involvement rubric. He said Helen and Norma Jean Germond will be less active in PIC. The committee will need to select a new vice-chair.

PIC provided comments on the Community Relations Plan (CRP) to Dennis. Dennis said they will be ready to share a draft revision soon, prior to the June Board meeting.

Liz said it was her first committee meeting and thought a workshop or retreat is needed to discuss how PIC functions. She thought it operates at an interesting intersection between public interest groups, the agencies and the Board. She thought some things are unclear, such as the purpose of PIC, who is the public, what is PIC's process and who is a member of PIC. She thought it would be a useful conversation. Ken noted that he will address some of those issues at his presentation to the full Board. Steve will also bring those issues to the Executive Issues Committee (EIC) leadership retreat in May. Susan Hayman will provide a copy of the CRP to Liz.

Steve asked PIC to pay attention to the Board's response to Ken's presentation.

Gerry asked EnviroIssues to post committee meeting and call schedules to the HAB website. Susan Hayman said EnviroIssues will work with DOE's webmaster to post schedules. She also noted that at the leadership retreat, Board leadership will discuss how to make the website more user-friendly. Pam noted that the Board may need a website tutorial.

#### *Action items*

- Letters
  - RCRA site-wide permit and the intersection with the TC&WM EIS
    - In the RCRA permit materials, identify what items relate to TC&WM EIS and what items are being "reserved" because of the TC&WM EIS; explain the rationale behind reserved items
    - Gerry Pollet will draft the letter; PIC will request that the Board send the letter to Ecology
  - TC&WM EIS release and public involvement
    - Do not delay the release of the TC&WM EIS
    - Provide public meetings and comment period; should not ask the public to participate in busy times such as summer or holidays
    - The comment period should be long enough and in a time to solicit good public response (e.g. not summer)
    - PIC offers to assist in preparing constituencies and the public to review the TC&WM EIS
    - Greg deBruler will draft the letter; PIC will request that the Board approve and send the letter to DOE-ORP and DOE-RL

#### *Future work*

- Synthesis of advice to date
- Public involvement rubric
- Community Relations Plan (CRP) draft revision
- Workshop to discuss public involvement activities, including State of the Site meetings
- PIC member recruitment

- PIC vice-chair selection
- “Retreat” to discuss how PIC functions, how citizen groups interact, and how public involvement is staffed (bring topic forward to EIC)
- Results from Heart of America Northwest and agency TPA surveys/evaluations
- Evaluate moving PIC meetings to committee week
- Consider using letters and advice to more formally make recommendations

**Handouts**

- Draft fact sheet: “Proposed TPA changes to align cleanup work with near-term priorities and delay some cleanup work based on currently anticipated funding”
- HAB consensus advice # 212: “Public comment period considerations for the TC&WM EIS”

**Attendees**

**HAB Members and Alternates**

Greg deBruler	Susan Leckband	Bob Parks
Steve Hudson	Liz Mattson	Gerry Pollet
Pam Larsen	Ken Niles	Betty Tabbutt

**Others**

Lori Gamache, DOE-ORP (phone)	Sharon Braswell, Ecology	Susan Hayman, EnviroIssues
Paula Call, DOE-RL (phone)	Jeff Lyon, Ecology (phone)	Hillary Johnson, EnviroIssues
	Cheryl Whalen, Ecology (phone)	
	Dennis Faulk, EPA	Barb Wise, CHPRC (phone)
	Emy Laija, EPA	Peter Bengtson, WCH (phone)