

FINAL MEETING SUMMARY

**HANFORD ADVISORY BOARD
PUBLIC INVOLVEMENT & COMMUNICATIONS COMMITTEE MEETING
October 11, 2011
Richland, WA**

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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, Hanford Watch and Hanford Advisory Board (HAB or Board) Public Involvement and Communications Committee (PIC) chair, welcomed the committee and led a round of introductions. Steve reviewed the agenda.

The committee will adopt the September meeting summary during the November committee meeting.

Steve announced that the River and Plateau Committee (RAP) will be hosting three joint topics with PIC during their October 12 meeting.

Draft Advice – Draft Hanford Public Involvement Plan

Issue manager framing

Steve said he reviewed the Draft 2011 Hanford Public Involvement Plan (Plan) with HAB Advice 225, 239, and 240 in mind. He said the Plan was successful in addressing a few of the important elements from those advice pieces, and the new draft advice is to address new issues or items from previous advice that have not been incorporated.

Gerry Pollet, Heart of America Northwest, said he developed the draft advice to include and reflect input from PIC and Board members. He said the advice currently has 15 advice points, and he thinks additional points may be needed. Gerry said the Plan is the Tri-Party Agreement (TPA) agency document that the public most interacts with and cares about. He said the advice is important because the Board needs to represent constituents who may not care about tank waste issues, but who do care about public involvement.

Gerry said the public involvement survey conducted by Heart of America Northwest indicates there are shortcomings in the Plan. He noted that the first major issue addressed in the advice is that the Plan fails to incorporate items as advised by the Board in the previous three pieces of advice (225, 239, and 240). He said the second major issue is that the agencies seem to believe that the Plan is not legally binding and don't understand its purpose. Gerry said the Board's previous advice stated that the Plan will only be prescriptive if the public cannot rely on it. He said that US Environmental Protection Agency (EPA) guidelines require that the Plan ensure public involvement, specify activities the agencies will undertake, and detail what the lead agency will do, not just what they will strive to do. Gerry said the Plan fails to include numerous superfund site process requirements, including that supporting documents must be available to the public for an additional 30 days if an extension is requested.

Agency perspectives

Emy Laija, EPA, said some of the cited EPA guidelines may be an inaccurate portrayal of what the guidelines actually require. Emy said the Plan includes activities that are beyond the legal requirements. She suggested the committee review exactly what is required of the agencies in order to identify where they are going above and beyond regulation.

Dieter Bohrmann, Washington State Department of Ecology (Ecology), said that it is the Board's decision what to include in its advice. The agencies will consider the Board's comments and advice. He noted that the PIC doesn't have to like everything that is in the Plan.

Committee discussion

Gerry suggested that the Plan include information on the agency regulations so the public can easily reference them. Liz Mattson, Hanford Challenge, noted that the 30 day extension regulation is included in the public involvement requirement section of the Plan. She said that she doesn't see the benefit of further articulating regulations for the Plan if the regulations are going to be followed regardless. Gerry said that having a Plan that lays out what the agencies will do at each critical step of each process is important. He said the Plan does attempt to describe what the agencies will do, but misses many key steps. He said the purpose of the Plan is to be an easily accessible document that the public can reference for public involvement expectations. Steve said the Plan should not be all encompassing to include steps for every process for every project, as the document would become much larger and less public friendly. He said individual public involvement plans may be developed to explain the public involvement components of specific projects. Sam Dechter, Public-at-Large, said that most members of the public will not review agency regulations if provided elsewhere. He suggested the committee just ask that the regulations be included directly. Emy said the agencies are developing fact sheets

about legal requirements to provide at public meetings on the Plan. She said the fact sheets could be incorporated into an appendix of the Plan if the public finds them useful. Gerry requested that the committee be allowed to help develop or review the fact sheets.

Jean Vanni, Yakama Nation, said she provided comments to Gerry to be incorporated into the advice that she gleaned from the Idaho National Laboratory's (INL) public involvement plan. She noted that the INL uses their plan as a binding agreement. Jean suggested modifications to diagrams included in the Plan; she will provide these to Emy. Liz suggested language to clarify Jean's comments about identifying each public involvement opportunity to be highlighted in the Plan. She agreed that the flowcharts in the Plan do not make sense as they are currently drawn.

The committee discussed at length whether the Plan should be legally binding for the agencies. Gerry said that if the agencies commit to a 200 day comment period when only 100 days are required, they should be held to that commitment because it will be what the public expects. He said that in that hypothetical situation, the public may not provide comments in time because they are expecting 100 extra days. Emy said that if the Plan becomes a legally binding document, the agencies will not include commitments beyond TPA regulations. Steve said he disagrees with how the EPA guidelines are quoted in the advice, noting that interpretations of the guidelines vary. Gerry said he believes the agencies do not agree to the Plan being legally binding because the separate agencies have different interpretations of what is binding. Liz said the committee is discussing two issues relating to being legality, including the TPA regulations in the document and the Plan being legally binding. She said the Plan provides a clear description of public involvement regulations, and the Plan doesn't have to be legally binding if the regulations are legally binding. Jean said the Plan should tell the public when, where, and how they can participate in public involvement activities. She said as a member of the public, she would view the Plan as the agencies' commitment to public involvement. She asked Emy if the agencies actually plan to do what they say they will strive to do in the Plan. Emy said that the agencies always strive to do the things they say they will strive to do, but they don't always achieve it. She said the confusion seems to be because of the different regulations required under Resource Conservation and Recovery Act of 1976 (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) that do not mutually apply. She said the agencies did not intend to provide a level of legal detail relating to RCRA and CERCLA requirements in the Plan.

Liz suggested that the Plan include an appendix that lists the legal public involvement requirements for Hanford. Steve said he sees the Plan as a citizen's guide to public involvement at Hanford that should make involvement at different levels clear. Emy agreed that the list would not be hard to incorporate. She said the fact sheet states that one role of the Plan is to serve as an overall guidance document for outreach and public involvement. Gerry said EPA guidelines state that the best way to deal with citizen concerns is to develop an outline for a schedule. He said the schedule should be a process outline that has clear, accurate steps that are easy for the public to follow; steps should include legal 30 day document extensions, because the three agencies do not seem to agree that the extension is required if requested.

The committee decided to leave out references to "legally binding" in the draft advice, as they could not reach consensus on this point.

Paige noted that the Plan should be updated for grammatical errors, as the document is neither technically or mechanically consistent.

Liz said the Plan does not provide her a compelling reason to be involved at Hanford, and she suggested the Plan include more information on public influence on decisions and why the public should care. She also suggested that the agencies define the decision making process in Section 2 of the Plan so expectations are clear. Jean said the Plan should include a purpose and need statement; she provided language suggestions that the committee agreed to append to the advice. Liz said the Plan should explain why there is a Plan in addition to why there is public involvement. She said this would be beyond a purpose and need statement. Steve said the advice should say the PIC is prepared to offer a compilation of examples to accompany their recommendations.

Gerry spoke to the how the Plan currently seems to focus on an agency-centric view on the importance of public involvement, rather than the public's view. Emy said the first audience for the Plan is the people who work on site and do public involvement, but it should be written so the general public can understand it. Gerry said other public involvement plans are purposed for EPA and for two way communication between the public and the site. Emy said the purpose and content of the document becomes much different when it is a TPA document rather than just an EPA document. Gerry said the Plan should not be agency-centric and should be for public use. He said that if it were just for agency use, it would not be a legal requirement or based on community interviews. Gerry said the Plan does not need to feature a description of the Hanford Site. Emy said that when she first started at Hanford she found the description of the site very useful. Liz suggested an advice point to say that while the Plan is used to guide Hanford staff efforts, it is meant for the public to understand how to be involved at Hanford.

The committee discussed the outreach and evaluation methods outlined in the Plan, specifically addressing annual evaluations and increasing the agency's listserv. Gerry said it just as important to conduct an annual evaluation for people who don't attend Hanford meeting as it is for those who do. He said in the proposed Plan, there is no method for surveying those who do not attend meetings. He said an annual survey should be distributed, and that begins by expanding the agencies' listserv. Emy said the agencies have a commitment to developing an annual summary and do not intend to limit information received. Liz suggested language for page 11 of the Plan to include an online public involvement evaluation in addition to public meeting evaluation.

The committee discussed how the Plan should provide methods and measurements for goals outlined in the Plan. Gerry noted that the agencies will not know if they are expanding public involvement if they do not have tools to measure the expansion. Emy said there is a feedback loop for goals provided in Hanford surveys. Gerry said the annual evaluation process should identify goals for the year and how the agencies will meet them. He said the number of people receiving public involvement notices via the Hanford listserv should increase, as there are only 725 people currently on the list, half of which are agency representatives or contractors. Dieter said the agencies are constantly trying to build the list through sign up boards at public events and schools, etc. He said including the effort in the advice is fair, but he wants the committee to know the efforts are already underway. He noted that the listserv is only one method of outreach, and the physical email list has over 2,000 contacts. Sam suggested that the advice ask the

agencies to include a specific goal to proactively increase their email distribution list in the Plan. He said the goal should include an evaluation method to see if they are successful. Liz said the reference language could be added to Page 18 of the Plan in order to acknowledge that efforts are already underway.

The committee discussed the use of an annual action plan, or strategic plan, as an appendix to the Plan. Gerry said the annual action plan could be appended each year to describe efforts in the coming year to meet the goals described in the Plan. Emy said the agencies have responded to previous advice that they don't believe the annual action plan would be an appropriate appendix for the Plan, but they have committed to developing plans for leading public involvement projects. She said the agencies may be able to reference the annual action plan in the Plan, but not append it. Steve said the advice should ask that the annual action plan include events, goals, and strategies to meet public involvement goals.

The committee discussed issues with public access to documents, including website links in the Plan and the operating hours of the information repositories. Steve suggested the repositories be open by appointment rather than the current open hours, which don't seem to suit a working person's schedule. Emy noted that this Plan will be the first to include website links, but they haven't added them in yet.

Gerry asked Dieter if Ecology has asked the TPA agencies to commit extending public comment periods when relevant documents have not been provided, which is referenced in advice bullet 10a. Dieter said the agencies have discussed it but have not agreed at this point in time. He said the agreement is not likely to be included in this update of the Plan. Emy said extensions when key documents are unavailable are legally required and therefore irrelevant for the advice. She noted that Freedom of Information Act (FOIA) requests are separate from the extension period because FOIA has to do with federally-lead documents. Gerry said public comment extensions need to be addressed, preferably under the comment period information on page 9 of the Plan. He suggested a section be added about access to records.

Gerry said the advice should ask the agencies to commit to at least one meeting per year in key cities, and should detail how the public can request a public meeting. He noted that the agencies need a minimum level of participation before committing to meetings, but there are locations with a guaranteed audience that still aren't receiving meetings. Susan Leckband, Washington League of Women Voters and HAB chair, asked who is responsible for designating what the key cities are. Gerry said the original public involvement plan identified key cities that the agencies committed to for quarterly meetings. Steve noted that the original plan committed to the key cities for only the first year, at which point they reevaluated. Liz suggested the advice be more generic to ask for public meetings in diverse regional locations. Emy said the agencies identify an area's interest in a specific topic before committing to a meeting. She said they identify a need and then try to meet it. Gerry said his constituents in Spokane have asked for public meetings many times but have not received them. He asked that the agencies make a commitment to providing meetings in Spokane and Walla Walla. Dieter said he has not received any requests for public meetings in Walla Walla. Liz suggested the Plan include contact information for who to contact to request a public meeting. Gerry said the advice should clarify that regional meetings should expand in diversity. The committee discussed the issue of the agencies committing to at

least one meeting per year in each diverse location. Liz noted that there are regional budget meetings every year and that fulfills the once a year quota. She said the locations or key cities can ensure a meeting by learning how to request one.

Paige asked how time sensitive the advice is. Emy said the public comment period ends November 28, and it would be good to receive the advice by then.

Liz provided an overview of the re-worked advice points, and the committee provided edits.

- Jean disagreed that the Plan is a guideline, because guideline makes it sound like something the contractors on site can dismiss. She said the Plan is the actual direction the agencies must take for public involvement.
- Gerry noted that flowcharts in the Plan need to be better aligned to match the Washington State Hazardous Waste regulations and RCRA requirements. He said Jean has provided updated figures that can be attached to the advice. Jean suggested combining Figure 3 with the Washington State Hazard Waste requirements.
- Liz suggested that the committee advise the agencies to add language to Section 1 of the Plan on public comment periods to reflect how public input is incorporated into decisions.
- Emy suggested removing bullet 12 on the responsiveness summary as the agencies are already required to do it as part of the final record of decision (ROD).
- The committee agreed to include “the Board reiterates Advice 225” in the background of the advice in order to represent the idea that the public needs to know how their input influenced a given decision.
- Jean asked that the agencies eliminate the use of the word “strive” in the Plan. Emy said strive is used when something is not a legal requirement. The committee determined not to address the use of strive in the advice; Emy and Dieter will take the comment back to the agencies.

The committee agreed to have Susan Hayman clean up the advice bullets, and Steve offered to draft a revised background section based on committee discussion. Susan Hayman will then send out the next version of the advice for committee discussion on the October 20 PIC Committee conference call.

Public Meetings – Draft Hanford Public Involvement Plan

The committee chose to invest more agenda time on advice development, using the time originally allocated for a discussion of input into the public meetings. Dieter said they had recently identified the facilitator for these meetings, and the timing would be better to get committee input after the facilitator had some time to think about an approach. This topic was deferred to the committee call on October 20.

Committee Business

Review Follow Up Items

Susan Hayman reviewed follow up and action items.

1. Steve will work with Susan Hayman on the next draft of the advice.
 - a. The next draft will be distributed to the committee by the end of the week.

Comprehensively Update the 6-Month Work Plan

Due to time constraints, the committee identified their potential November meeting topics, and postponed comprehensively updating the 6-month work plan until the November meeting.

Determine future meetings needs

The committee will hold a call on Thursday, October 20 to discuss the next iteration of the draft advice and to discuss public meetings on the Plan. The committee agreed to convene at 10am for the pre-Board PIC meeting, to be held on Wednesday, November 2. The meeting will be followed by the TPA Quarterly Update.

Attendees

HAB Members and Alternates

Sam Dechter	Susan Leckband	Gerry Pollet
Steve Hudson	Liz Mattson	Jean Vanni
Paige Knight		

Others

Cameron Salony, DOE-RL	Dieter Bohrmann, Ecology	Susan Hayman, EnviroIssues
Emy Laija, EPA	Sharon Braswell, MSA	Melissa Thom, EnviroIssues
	Peter Bengston, Washington Closure Hanford	

Attachment 1 – PIC Transcribed Flip Chart Notes

Advice Points

1. Appendix/ in document references to specific legal requirements for public involvement at Hanford.
2. Review for stylistic consistency (pragmatics).
3. Define decision making requirements in Section 2 so that public involvement regulations and expectations are met.

Page 1

Advice Points (continued)

4. Provide a statement of purpose (append examples) – “Why this document.”
5. Importance of public involvement from public-centric point of view.
 - a. “Though used by staff... the Plan is also a guide for public and written with both audiences in mind.”

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Advice Points (continued)

6. Background: includes reference to help with suggested text (some examples attached).
7. Annual evaluation of public involvement (beyond event evaluations).
 - a. Strengthen reference on page 11 of the Plan.
8. Public involvement goals should be measurable – progress toward goals should be included in an annual evaluation.

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Advice Points (continued)

9. Page 18 – expand efforts to expand TPA mailing list.
 - a. Include goal to do so (see Liz’s language).
10. Develop an annual action plan (referenced in the Plan).
 - a. Include events, goals, and strategies to meet goals.

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Advice Points (continued)

11. #10a (Gerry’s advice point up to parenthetical) reference location.
12. How to get a public meeting including who to contact.

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Comments on Background

1. Need for incorporating regulations in the Plan. How specifically referred to must they be?
 - a. Identify what regulations say and quote.
 - b. Agencies leaning towards list for document appendix.
 - c. Capture the essence.
2. Eliminate “strive” when there is a requirement.

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Comments on Background (continued)

3. Overall tone is “demanding” – need to reframe overall.
4. Don’t think the draft “fails” – many previous advice points included (not all).

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Follow-Up

1. By Friday, October 14 – next version of advice to committee (Susan Hayman and Steve to work on).

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