

Appendix A

REFERENCE: OTHER LAWS

The following is a description of the public involvement requirements of additional laws that may pertain to Hanford Site cleanup actions. When more than one set of public involvement requirements applies to a specific decision, activity or action, the Tri-Party agencies will review the pertinent requirements and coordinate and/or combine them to conduct a comprehensive process.

THE CLEAN WATER ACT

The Clean Water Act is a 1977 amendment to the *Federal Water Pollution Control Act of 1972*, which set the basic structure for regulating discharges of pollutants to waters of the United States. EPA delegates authority to implement these laws to the State. Ecology oversees Washington State Discharge permits issued for the 200 Area Treated Effluent Disposal Facility and the 200 Area Effluent Treatment Facility. The EPA regulates the 300 Area Treated Effluent Disposal Facility through a National Pollution Discharge Elimination System permit.

Both the state and federal permit processes include requirements for public involvement and comment.

The state public involvement requirements related to water regulations can be found in Washington Administrative Code 173-216-090 and 173-216-100. Public involvement requirements pertaining to wastewater discharge to the groundwater include a minimum public notice in a local newspaper, accepting written public comment for 30 days following newspaper publication of proposed changes, and consideration for a public hearing if there is significant request.

For more information, contact Ecology at (509) 735-7581 or call the Hanford Cleanup Line at 1-800-321-2008.

THE CLEAN AIR ACT

The EPA delegated *Clean Air Act* responsibility to Ecology and the Washington Department of Health. Ecology and the Washington Department of Health jointly regulate Clean Air provisions at the Hanford Site. The EPA has regulatory authority over National Emission Standards for Hazardous Air Pollutants provisions for primary air pollutants. The primary air pollutants are sulfur dioxide, particulate matter, carbon monoxide, ozone, nitrogen oxides, and lead.

The Washington Department of Health Division of Radiation Protection regulates Hanford Site radioactive air emissions and conducts environmental radiation monitoring.

The state public involvement requirements related to air regulations can be found in Washington Administrative Code 173-401-800. Public involvement requirements pertaining to air operating permits include publication of notices in local newspapers, distribution of notice to a facility-specific mailing list, a minimum 30-day public comment period on proposed permits, and 30 days notice prior to a public meeting.

For more information, contact Ecology at (509) 735-7581 or call the Hanford Cleanup Line at 1-800-321-2008.

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NEPA ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act (NEPA) ensures that environmental factors are given the same consideration as other factors in decision making by federal agencies. The public participation requirements can be found in 10 CFR 1500 through 1508 and 10 CFR 1021 where NEPA public comment periods and hearings are addressed.

For more information on NEPA contact the USDOE NEPA Compliance Officer at 509-376-6667.

STATE ENVIRONMENTAL POLICY ACT

Ecology must review the permitting of several Hanford Site projects under the State Environmental Policy Act. The purpose of the State Environmental Policy Act is to ensure that environmental values are considered by state and local government officials when making decisions. Before taking actions (issuing permits, etc.), agencies must follow specific procedures to ensure that appropriate consideration is given to the environment. The severity of the potential environmental impacts associated with a proposed project will determine whether an environmental impact statement is required.

The public participation requirements of SEPA can be found in Washington Administrative Code chapter 197-11-510. Public participation requirements allow the permittee to use their existing notice procedures. The state can also require that additional public notice be provided through publication in local newspapers, news media contacts, publication in the SEPA register and other methods. Public hearings may be scheduled based on the lead agency's discretion, including written requests from 50 or more people, or written request from two other agencies with jurisdiction.

For more information call the Hanford Cleanup Line at 1-800-321-2008.

MODEL TOXICS CONTROL ACT

The Model Toxics Control Act (MTCA) is Washington State's version of the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980*. Ecology implements the Model Toxics Control Act's public involvement activities, which are similar to *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* public involvement requirements.

The public involvement requirements of MTCA include a minimum 30-day public comment period on actions covered under MTCA, early planning of public participation activities, requirements for contents of public notice on site-specific risk assessments, and requirements for who shall receive notice and where notices will be published. Additionally, MTCA requires a public participation grant program, to provide funding for citizen-based public participation efforts. MTCA also requires a citizen technical advisor, to provide technical assistance to citizens regarding MTCA and the actions covered under it. For more information on public participation grant application process, contact Ecology's Solid Waste/Financial Assistance program at (360) 407-6061.

To contact the citizen technical advisor, call Ecology's Toxics Control Program at (360) 407-7170.

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TOXIC SUBSTANCES CONTROL ACT OF 1976

The *Toxic Substances Control Act* provides for protection of human health and the environment from exposure to certain hazardous and toxic chemical substances and mixtures (e.g., PCBs and newly manufactured chemicals). The Hanford Facility has in place a program for the cleanup, treatment, and disposal of materials regulated by the *Toxic Substances Control Act*. The regulations derived from the act are administered by the EPA.

For more information call EPA at
1-800-424-4EPA.

FREEDOM OF INFORMATION ACT

The Freedom of Information Act (FOIA), Title 5, United States Code, Section 552, was signed into law on July 4, 1966, by President Lyndon Johnson. The FOIA has since been amended in 1974, 1986, and most recently, with the *Electronic Freedom of Information Act Amendments of 1996*.

The FOIA applies to documents held by agencies in the executive branch of the federal government, USDOE and EPA. The FOIA does not apply to Congress or the judicial branch, nor does it apply to records of state or local governments. However, many state governments have their own open records laws. You may request information about a state's laws by writing the attorney general of the state.

The FOIA requires that certain information, such as descriptions of agency organization and office addresses, statements of agency operations, rules of procedures, general policy statements, final opinions made in the adjudication of cases, and administrative staff manuals that affect the public must be made available for inspection by the general public. This is accomplished through the use of public reading rooms.

All other agency records may be requested under the FOIA, regardless of the format of the record (i.e., electronic records, photographs, videos, tape recordings, etc.). For more information about the FOIA, please visit our web site at: www.hanford.gov/FOIA/.

For documents not undergoing public comment, EPA follows the requirements set forth in the *Freedom of Information Act* (Title 40 *Code of Federal Regulations*, Part 2). For more information, contact the EPA at 1-800-424-4372.

STATE OF WASHINGTON PUBLIC DISCLOSURE LAW

Requests for public records from Ecology concerning Hanford Site cleanup activities and compliance must be made in accordance with state law. The guidelines for the state's public disclosure law can be found in the Revised Code of Washington, chapter 42.17. Public review of records requires a signed "Request for Public Record" form and the RCW sets provisions for the public records coordinator to set appointments for review of records and documents between 9 a.m. - noon and 1:00 - 4:00 p.m. daily. Ecology may fill some requests through telephone or fax. There is no fee for viewing records. Copy fees are 15 cents per page. Postage charges may be added if the postage exceeds \$4. State sales tax will be added to the total copy charges. Pre-payment is required. For more information, contact the Nuclear Waste Program Public Records coordinator at (509) 736 3097.