

**FINAL MEETING SUMMARY**

**HANFORD ADVISORY BOARD  
PUBLIC INVOLVEMENT AND COMMUNICATION COMMITTEE MEETING  
April 2, 2008  
Portland, OR**

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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, Public Involvement and Communications Committee (PIC) vice-chair, welcomed the committee and introductions were made. The February meeting summary was adopted.

**Tri-Party Agreement (TPA) Agencies – Look Ahead, Look Back**

Dennis Faulk, Environmental Protection Agency (EPA), discussed the Tri-Party Agreement (TPA) agencies Look Ahead, Look Back public involvement activities for the Hanford Site. Dennis said Susan Kreid noted some missing public policy questions on the draft TPA Fiscal Year 2007 and 2008 Communications and Public Involvement Strategic Plan matrix. He thought some issues need additional structured discussion.

*Draft Hanford Comprehensive Land-Use Plan (CLUP) Environmental Impact Statement (EIS) Supplement Analysis (SA)*

Kim Ballinger, Department of Energy – Richland Operations Office (DOE-RL), noted the 30-day public comment period on the draft CLUP EIS SA ends April 23, 2008. Kim said today is the last day to request a workshop on the CLUP if anyone is interested.

Greg deBruler said in the past, there were discussions over the legality of DOE setting land use standards. He thought there was never really an answer and work proceeded to move forward. When DOE issued the CLUP, Greg said he commented that it was not legal for DOE to set land use standards because it did not own the land; therefore, the cleanup standards were not valid. Greg said he heard from DOE’s attorney, but there is still a question of DOE’s interpretation. He thought DOE and stakeholders should have a discussion regarding land use standards and decision-making.

Barb Wise reviewed the questions and answers for the CLUP; she said DOE could establish land

use standards because of the National Defense Authorization Act of 1997. Kim offered to send that information to Greg.

Betty Tabbutt thought the Model Toxics Control Act (MTCA) prevented cleanup standards from being influenced by land use decisions. Madeleine Brown, Washington State Department of Ecology (Ecology), said DOE recognized that remedial Records of Decision (RODs) would make a determination.

Dennis said EPA does not view the CLUP as binding and clarified that MTCA and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) do make land use decisions. For example, it is appropriate to clean up an area to industrial standards if it was already zoned for industrial use. Betty thought the areas the CLUP addresses were not historically zoned and do not have a record of historic use.

Ken Niles said the State of Oregon cannot intercede itself into legal land use issues in the State of Washington. However, he said DOE's initial analysis is disappointing. Ken said the land is National Monument and parts of it will not be used for industrial purposes in the future.

Cathy McCague, EnviroIssues, said DOE suggested having a discussion but the River and Plateau Committee (RAP) committee did not think it was necessary.

Dennis thought RAP was uninterested because DOE said no change was needed. He thought it was a different matter if the public disagrees.

Susan Leckband asked how the CLUP fits in with the Tank Closure and Waste Management EIS (TC&WM EIS). Barb said the CLUP refers to the TC&WM EIS; the evaluation process, evaluated documents, fact sheets and other reference documents are on the Hanford website under the events calendar. Barb said the Fish and Wildlife EIS was not reviewed because it is not finalized; only publicly available information was reviewed. She said DOE is identifying such documents to review in five years for another SA.

Maynard said RAP has not identified an issue manager for the CLUP.

#### *Proposed Permit for Air Quality Standards and Equipment Changes in Hanford's AY and AZ Tank Farms*

Madeleine said the public comment period for the proposed air permit started April 1. It is an Ecology permit that, among other revisions, will set new air emission standards for the AY and AZ tank farms.

#### *Workshops*

Dennis noted April workshops:

- Technology information exchange on the treatment of chromium contamination in groundwater
- Phase IV Central Plateau ecological risk assessment results workshop
- Proposed plan for waste sites near the Plutonium Finishing Plant (PFP) (200-PW-1, 200-PW-3, and 200-PW-6 operable units)

#### *Proposed plan for waste sites near the Plutonium Finishing Plant (PFP) (200-PW-1, 200-PW-3, and 200-PW-6 operable units)*

The proposed plan will evaluate cleanup alternatives for six waste sites located near PFP. Dennis said all alternatives, baselines and cleanup remedies will be reviewed, after which DOE will assign a risk value. The TPA agencies will hold a pre-decisional workshop on April 15 (Consolidated Information Center, Washington State University, Tri-Cities) to allow tribal nations, stakeholders and the public to discuss and share their values early in the decision-making process on such issues as:

- Pros and cons of three proposed cleanup alternatives – capping, remove and dispose and in situ vitrification. What are the risks and tradeoffs associated with each alternative?
- When more than one cleanup remedy is protective of human health and the environment and legally compliant, how should the balancing criteria under the Superfund law (e.g. cost, implementation, long-term effectiveness) be used to distinguish between them? What criteria are most important to the public?
- How does this decision affect other cleanup activities on the Central Plateau?

Dennis said the TPA agencies want public input on a draft agenda for the pre-decisional workshop. He wants to discuss issues such as the key assumptions for the alternatives and how project baselines are factored into the alternatives in a fashion that is easily understood. Dennis considered it an important discussion because it addresses transuranic elements disposed of prior to 1970.

#### *Discussion*

Maynard thought the waste sites should be called “plutonium waste sites” so people understand what is being discussed. He liked using the term “transuranic elements disposed of prior to 1970” because legally the waste is not pre-1970 transuranic waste.

Betty asked if there was a TPA milestone tied to these waste sites; Dennis said a ROD, hopefully issued within a year, will set the schedule (i.e. milestones) for the work. He said it has to be done by 2024. Dennis also said EPA rejected DOE’s proposal to cap the sites. Susan said the current baseline calls for leaving and capping the waste in place.

Gerry Pollet thought the current system of getting public input on each plan seems very piecemeal and thought assumptions for all proposed plans should be discussed at one time. He said the public has already said that waste sites should be retrieved and cleaned up, not capped. Ken agreed that public values have not changed over time.

Dennis thought it would be difficult to move away from getting public input on specific operable unit decisions. However, he believed there are five or six critical issues (e.g. SW-1 and SW-2 operable units) in the Central Plateau whose basic underlying assumptions need to be understood because they will have domino effects. He thought such decisions would serve as benchmarks for other decisions. He also hoped that DOE will share its baseline at the workshop on April 15 to help the other agencies and the public better understand its decision-making process.

Gerry thought the public could not be expected to comment on each operable unit. He suggested having one process requesting public input on the processes and assumptions for all burial grounds. Shelley Cimon noted that details are different for each operable unit and each operable unit may require specific processes. Gerry agreed but thought it was unrealistic to ask the public to comment on each operable unit.

Dennis said he would like to see DOE make remove-treat-dispose the first decision, rather than use capping as the primary action unless there is a compelling reason to do otherwise.

Gerry said DOE's baseline was approved without public input; DOE should show its assumptions to the public and regulators.

Helen Wheatley asked if DOE committed to providing its baseline and assumptions at the workshop on April 15. Dennis said DOE would show how they made its recommendation on the proposed plan. He said agencies typically reach resolution in private, but they agreed that public dialogue is needed first.

Helen asked if there would be a public comment period in the fall to comment on the proposed plan. Dennis said yes and noted different pathways if DOE and EPA do not reach an agreement on the plan: 1) dispute resolution, 2) a proposed plan with DOE's preferred alternative and EPA's preferred alternative (not typically done), or 3) EPA makes the final determination. Dennis said the goal is to reach agreement on the plan.

Helen asked if DOE uses the HAB capping decision-making flowchart. Dennis thought that would be a good question to ask at the workshop.

Betty thought the public should understand tribal perspectives and treaties, as well as the legal framework (e.g. MTCA) and HAB advice on capping.

Steve thought there should be an educational component so people understand the decisions that are being made.

Dennis said the agencies will benefit from early public discussion about the proposed plan. The Board and public will have additional opportunities to comment on the plan.

Greg said DOE's baseline assumes capping, therefore DOE will not fund remove, treat and dispose actions. Greg asked if public values were provided for 200-PW1, would those same values be used as DOE evaluates other issues?

Dennis thought the workshop should first review alternatives and assumptions and then look at how DOE formed its baseline. Dennis thought the workshop could get sidetracked if it discusses the baseline first. Helen agreed that it is important to understand assumptions behind the baseline first.

Susan thought the workshop would help remind Board members and the public of HAB values regarding waste disposition as well as provide an opportunity to identify all factors needing consideration. It could also establish a process for all future decisions on waste sites.

Shelley said she would like to see all work identified within the operable unit enclosure, including groundwater. Dennis agreed and said that could be done.

Betty thought DOE should explain how it used the HAB capping decision-making flowchart. She thought it would help reveal and explain DOE's assumptions. Dennis thought that could be on the agenda.

Greg asked that DOE decision-makers be present at the workshop. Dennis thought that Matt McCormick, DOE-RL, would be there. He also thought the issue would stretch beyond local management.

Maynard agreed with Betty, but said DOE will use the budget as a reason to cap instead of remove, treat and dispose. He said he was not optimistic about DOE going through the flowchart, but thought it was a fair question to ask.

Greg thought the Board should show or bring its past advice to the workshop for DOE managers to review. Maynard noted that Jerri Main, Bob Suyama and Susan Kreid are issue managers for RAP collecting all past HAB advice on institutional controls and long-term stewardship.

Shelley said the evaluation of long-term stewardship and institutional controls should be a workshop agenda item.

Ken thought there should be a workshop focused solely on the baseline. Susan said that was discussed at the budget workshop and they expect to have a baseline workshop in May or June.

Steve is the PIC issue manager for the PW 1/3/6 proposed plan and Greg is RAP's issue manager for the proposed plan. Dennis, Steve, Greg and Shelley will meet after the PIC meeting to discuss the workshop agenda.

#### *Ecology Sitewide Dangerous Waste Permit*

Gerry asked why Ecology's Sitewide Dangerous Waste Permit would not be ready for another year. Madeleine said Ecology is working out policy issues like Resource Conservation and Recovery Act (RCRA) and CERCLA integration and groundwater issues. Gerry wanted to know why it was taking so long, and if there are large issues slowing its development, the public should weigh in on those issues. Gerry said the permit affects the TC&WM EIS.

Helen suggested finding out what is affected by the delay. Gerry said the public needs to be involved.

Charlie Weems asked who decides if the permit is governed by RCRA or CERCLA. Dennis said it was a negotiated process between Ecology and EPA and there were several factors.

Betty asked if Ecology incorporates all elements of Washington's Hazardous Waste Management Act into its permit. Madeleine said it is a state permit; the federal government delegated its authority to the state.

Gerry and Helen are the issue managers for the statewide dangerous waste permit.

#### *TC&WM EIS*

Mary Beth Burandt, DOE-ORP, said a date has not been set for the release of the TC&WM EIS. She hoped it would be released this year.

Gerry said supplemental treatment decisions are being made without the benefit of the TC&WM EIS. He asked what decisions rely on the TC&WM EIS. Mary Beth said DOE still needs to make supplemental treatment and tank closure decisions. She said funding is a big factor and DOE plans to make decisions in the near-term.

Gerry questioned the utility of the TC&WM EIS if the rationale behind it was to help make tank closure decisions based on a closure date of 2008; tank closure is now not expected to happen until 2020. He questioned why DOE wants a tank farm decision even though closure is 10 years away; by then, more characterization will be needed.

Betty thought an EIS was required to be timely to a decision – can an EIS be done far out in front of a decision? Mary Beth said an EIS should be done early enough in the process so an agency does not go too far in committing funds and making decisions. In some cases, she said, the NEPA analysis begins before all the information is available. There is a process for updating analyses as new information comes to light or every five years.

Karen Lutz will re-send the committee Greater than Class C EIS (GTCC EIS) contact information.

### **Committee Discussion on Fiscal Year 2009 (FY 2009) Budget Request Advice**

Gerry described the draft FY 2009 budget advice, what the committee should know before the Board meeting, and how it relates to public involvement.

Gerry said the Board and the public did not request regional public budget meetings this year. There was substantial input last year, and comments this year would not be very different. Gerry also said there would be competing public meetings on the TC&WM EIS, Global Nuclear Energy Partnership, GTCC EIS, and the Sitewide Dangerous Waste Permit.

Gerry said prior HAB advice and past comments on the budget were folded into the draft FY 2009 advice. It is a long piece of advice because it also distills past Board advice on early Low Activity Waste (LAW) facility startup in addition to other major policy issues. Gerry said the advice grew as the Tank Waste Committee (TWC) and RAP committees reviewed and revised it.

The draft advice states that DOE-ORP and DOE-RL budget requests and targets fall short by hundreds of millions of dollars a year. Gerry said the advice selected an achievable level of funding increase (\$200 million) that could make a reasonable difference. The advice also outlines ways to find efficiencies. It also describes how Hanford funding would be far more than adequate if Hanford received the money promised after the closure of smaller nuclear waste sites such as Rocky Flats and Fernald.

Gerry said the advice also asks DOE to show the impacts of the failure to request funding, such as impacts to single-shell tank retrievals. Gerry described the potential for retrieval acceleration by the early startup of LAW and the implications of not retrieving waste. He said DOE should allocate funds for the treatment of mixed wastes and full characterization of burial grounds.

Gerry described the sections directed specifically to DOE-RL and DOE-ORP that clearly state where and why funding should be allocated. He also noted concerns about safeguards and security costs, including the cost of shipping plutonium. The DOE-RL section includes project funding recommendations from RAP.

#### *Discussion*

Dennis thought the advice should be clear that while \$200 million will help, it is still inadequate.

Maynard thought the statement on testing for bulk vitrification should be funded by money taken from the TC&WM EIS will be contested at the Board meeting.

Maynard said he was concerned about saying that the State should sue DOE. Helen said it advises that the State pursue remedies outlined in the TPA and cleanup laws. Gerry did not think the State had many options besides “exercising its remedies.” He said if DOE seeks delays, the State should utilize its right to sue or issue an enforcement order. Maynard thought the advice could simply say DOE is not TPA compliant.

Helen said it is hard to critique DOE’s decision-making without knowing the underlying assumptions. She said it felt like public involvement is at the end of the “decision-making tree” instead of at the beginning where the public is more apt and able to state its principles and values. Gerry suggested an analogy of a tree: the roots are assumptions, the trunk is the baseline, the branches are decision-making pathways and the leaves are decisions. The public should not comment on the “leaves,” it should comment on the “roots.”

Maynard suggested having workshops on feasibility studies; whole processes can be wrong if incorrect assumptions are made at the beginning of a feasibility study.

Dennis said EPA has pushed for a TPA baseline that is fully vetted with the public so it can see the entire cost of cleanup. He said cleanup could not be done right without a good baseline built on solid assumptions.

Maynard thought the lifecycle cost and schedule report will be extremely valuable.

Gerry said the public should see baselines before they are adopted. Ken thought DOE-Headquarters committed to sharing baselines.

Dennis asked the committee to discuss the baseline workshop at the Board meeting.

### **Committee Business**

June meeting topics include:

- Hanford cleanup budgets
- State of the Site meetings
- TPA Fiscal Year 2007 and 2008 Communications and Public Involvement Strategic Plan matrix (draft) policy questions
- Ecology Sitewide Dangerous Waste Permit
- TC&WM EIS
- Follow-up on the workshop for the proposed plan for waste sites near PFP (200-PW1, 3 and 6 operable units)

Nolan Curtis, Ecology, said the State of the Site meetings are tentatively planned for the end of September and beginning of October. He would like the committee and Board’s input on the appropriateness of the timeframe as well as preferred locations.

The committee determined an April call is not necessary. The committee will have a call in May to plan for a June meeting.

## **Handouts**

- Hanford Site Public Involvement Activities (April 2008) – TPA agencies
  - TPA Fiscal Year 2007 and 2008 Communications and Public Involvement Strategic Plan matrix (draft) – TPA agencies
  - Draft advice: Priorities for Restoring Hanford Cleanup Funding for FY 2009, with Recommendations for Action Needed in 2008 – Gerry Pollet
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## **Attendees**

### **HAB Members and Alternates**

Shelley Cimon	Susan Leckband	Dick Smith
Greg deBruler	Ken Niles	Betty Tabbutt
Earl Fordham	Maynard Plahuta	Charlie Weems
Steve Hudson	Gerry Pollet	Helen Wheatley

### **Others**

Kim Ballinger, DOE-RL	Madeleine Brown, Ecology	Cathy McCague, EnviroIssues
Mary Beth Burandt, DOE-ORP (phone)	Nolan Curtis, Ecology	Hillary Johnson, EnviroIssues
Lori Gamache, DOE-ORP	Dennis Faulk, EPA	Barb Wise, FH
Karen Lutz, DOE-ORP (phone)		Peter Bengtson, WCH
Steve Wiegman, DOE-ORP		