

2.1 Stakeholder and Tribal Involvement

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Many entities have a role in DOE's mission of environmental restoration and waste management. Stakeholders include local, state, and federal regulatory agencies; environmental groups; regional communities; and the public. Indian tribes also have a special and unique involvement with the Hanford Site. The following section describes the roles of the principal agencies, organizations, and public in environmental compliance and cleanup of the Hanford Site.

2.1.1 Regulatory Oversight

Several local, state, and federal government agencies are responsible for monitoring and enforcing compliance with applicable environmental regulations at the Hanford Site. The major agencies include the U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology, Washington State Department of Health, and Benton County Clean Air Authority. These agencies issue permits, review compliance reports, participate in joint monitoring programs, inspect facilities and operations, and/or oversee compliance with applicable regulations. DOE, through compliance audits and its directives to field offices, initiates and assesses actions for compliance with environmental requirements. The primary requirements address air quality, water quality, land use, cultural resources, and waste management.

EPA is the principal federal environmental regulator who develops, promulgates, and enforces environmental protection regulations and standards as directed by statutes passed by Congress. In some instances, EPA has delegated environmental regulatory authority to the state or authorized the state program to operate in lieu of the federal program when the state's program meets or exceeds EPA's requirements. For instance, EPA has delegated or authorized certain enforcement authorities to the Washington State Department of Ecology for air pollution control and hazardous waste management. In other activities, the state program is assigned direct oversight over the DOE Richland Operations Office as provided by federal law.

For example, the Washington State Department of Health has direct authority under the Clean Air Act to enforce the standards and requirements under a statewide program for regulating radionuclide air emissions at applicable facilities (e.g., the Hanford Site). Where federal regulatory authority is not delegated or only partially authorized to the state, EPA Region 10 is responsible for reviewing and enforcing compliance with EPA regulations as they pertain to the Hanford Site. In addition, EPA periodically reviews the adequacy of various state environmental programs and reserves the right to conduct direct enforcement of federal environmental regulations.

Although the state of Oregon does not have direct regulatory authority at the Hanford Site, DOE recognizes its interest in Hanford Site cleanup because of Oregon's location downstream along the Columbia River. There is also the potential for shipping radioactive wastes from the Hanford Site through Oregon by rail, truck, or barge. Oregon participates in the State and Tribal Government Working Group for the Hanford Site, which reviews the site's cleanup plans.

2.1.2 Hanford Federal Facility Agreement and Consent Order

This agreement (also known as the Tri-Party Agreement; Ecology et al. 1989) is an agreement among the Washington State Department of Ecology, EPA, and DOE for achieving environmental compliance at the Hanford Site with the Comprehensive Environmental Response, Compensation, and Liability Act, including the Superfund Amendments and Reauthorization Act remedial action provisions, and with Resource Conservation and Recovery Act treatment, storage, and disposal unit regulation and corrective action provisions. The Tri-Party Agreement 1) defines the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation, and Liability Act cleanup commitments; 2) establishes responsibilities; 3) provides a basis for

budgeting; and 4) reflects a concerted goal of achieving regulatory compliance and remediation with enforceable milestones in an aggressive manner. Also, the Tri-Party Agreement was established with input from the public.

The Tri-Party Agreement has continued to evolve as cleanup of the Hanford Site has progressed. Significant changes to the agreement have been negotiated between the Washington State Department of Ecology, EPA, and DOE to meet the changing conditions and needs of the cleanup. The most complex changes were worked out in 1993 with further modifications each year since. All significant changes to the agreement undergo a process of public involvement that ensures communication and addresses the public's values prior to final approvals. Copies of the agreement are publicly available at the DOE's Hanford Reading Room located on the campus of Washington State University at Tri-Cities, Richland, Washington, and at information repositories in Seattle and Spokane, Washington, and Portland, Oregon. To get on the mailing list to obtain Tri-Party Agreement information, contact the EPA or DOE directly, or call the Washington State Department of Ecology at 1-800-321-2008. Requests by mail can be sent to:

Hanford Mailing List: Informational Mailings
Mail Stop B3-35
P.O. Box 1000
Richland, WA 99352

or

Hanford Update
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

2.1.3 The Role of Indian Tribes

The Hanford Site is located on land ceded by treaties with the Yakama Indian Nation and the Confederated Tribes of the Umatilla Indian Reservation in 1855. The Nez Perce Tribe has treaty fishing rights on the Columbia River. The tribes reserved the right to fish "at all usual and accustomed places" and the privilege to hunt, gather roots and berries, and pasture horses and cattle on "open unclaimed" land. The Wanapum people are not a federally recognized tribe, and are therefore ineligible for federal programs. However, they have historic ties to the

Hanford Site and are routinely consulted regarding cultural and religious freedom issues.

The Hanford Site and its environment support a number of Native American foods and medicines and contains sacred places that are important in sustaining tribal cultures. The tribes hope to use these resources in the future and want to assure themselves that the Hanford environment is clean and healthy.

The DOE American Indian Tribal Government Policy (DOE Order 1230.2) states, "American Indian Tribal Governments have a special and unique legal and political relationship with the Government of the United States, defined by history, treaties, statutes, court decisions, and the U.S. Constitution." In recognition of this relationship, DOE and each tribe interact and consult directly. The tribes also attend formal meetings such as those of the State and Tribal Government Working Group and the Hanford Natural Resources Trustee Council. They actively participate in many issues, including groundwater remediation, land use, and cultural resources. The tribes have made presentations to DOE and the contractors on treaty rights, tribal sovereignty, the United States Government's trust responsibility, and the unique status of tribal governments.

The tribes' active participation in Hanford plans and activities is guided by DOE's American Indian policy (DOE Order 1230.2). The policy states that among other things, "The Department shall: Consult with Tribal governments to assure that Tribal rights and concerns are considered prior to DOE taking actions, making decisions, or implementing programs that may affect Tribes." In addition to the American Indian policy, laws such as the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act require consultation with tribal governments. The combination of the Treaties of 1855, federal policy, and laws and regulations provide the basis for tribal participation in Hanford Site plans and activities.

DOE provides financial assistance through cooperative agreements with the Yakama Indian Nation, Confederated Tribes of the Umatilla Indian Reservation, and Nez Perce Tribe to support their involvement in the environmental restoration and waste management activities on the Hanford Site.

2.1.4 Hanford Natural Resource Trustee Council

The Comprehensive Environmental Response, Compensation, and Liability Act requires the President to appoint federal officials to act on behalf of the public as trustees for natural resources when natural resources may be injured, destroyed, lost, or threatened as a result of a release of hazardous substances. The President appointed the Secretary of Energy as the primary federal natural resource trustee for all natural resources located on, over, or under land administered by DOE.

The National Contingency Plan in Title 40, Code of Federal Regulations, Part 300, Subpart 605 (40 CFR 300.605) authorizes state governors to designate a state lead trustee to coordinate all state trustee responsibilities. The plan indicates that tribal chairmen (or heads of governing bodies) of Indian tribes have essentially the same trusteeship over natural resources belonging to the tribe as state trustees have on behalf of state resources. In addition to DOE, organizations that have been designated as natural resource trustees for certain natural resources at or near Hanford include: the Yakama Indian Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, the state of Washington represented by the Washington State Department of Ecology and the Washington State Department of Fish and Wildlife, the state of Oregon represented by the Oregon Department of Energy, the U.S. Department of the Interior represented by the U.S. Fish and Wildlife Service and the Bureau of Land Management, and the U.S. Department of Commerce represented by the National Oceanic and Atmospheric Administration.

To better address their responsibilities, the trustees have signed a memorandum of agreement formally establishing the Hanford Natural Resource Trustee Council. The primary purpose of the council is to facilitate the coordination and cooperation of the member trustees in their efforts in mitigating impacts to natural resource resulting from hazardous substance releases from within the Hanford Site or the remediation of those releases. The council also adopted by-laws to direct the process of arriving at consensus agreements.

The council is currently assessing potential injury to Columbia River aquatic resources resulting from the release of Comprehensive Environmental Response, Compensation, and Liability Act-designated hazardous substances from within the 100 Areas. This assessment

involves the U.S. Fish and Wildlife Service preparing both an assessment plan and a study plan. The U.S. Fish and Wildlife Service is using the Natural Resource Damage Assessment Regulations in 43 CFR 11 as guidance in preparing the plans. The assessment plan will address current exposure pathways and potential injury to aquatic resources from hazardous substance releases within the 100 Areas. The study plan will address potential injury to fall chinook salmon from chromium releases within the 100 Areas that have migrated to the Columbia River. The results of the assessment will aid the trustees, regulators, and DOE in developing, evaluating, and selecting remedial actions that minimize or eliminate any injury to aquatic resources.

2.1.5 Public Participation

Individual citizens of the state of Washington and neighboring states may influence Hanford Site cleanup decisions through public participation activities. The public has opportunities to provide their input and influence decisions through many forums, including Hanford Advisory Board meetings, Tri-Party Agreement activities, National Environmental Policy Act public meetings covering various environmental impact statements and environmental assessments, and many other outreach programs.

A framework for integrated communications and public involvement for the Hanford Site outlines the DOE commitment to and plan for involving the public in decisions. The Office of External Affairs (DOE Richland Operations Office) is responsible for establishing the planning and scheduling of public participation activities for the Hanford Site.

The Tri-Party Agreement provides a means for Hanford to become compliant with environmental regulatory requirements. The Community Relations Plan, a companion to the Tri-Party Agreement, describes how public information and involvement activities are conducted for Tri-Party Agreement decisions. The plan was developed and negotiated among DOE, Washington State Department of Ecology, and EPA Region 10 with public comment and was jointly approved in 1990. The plan is updated on an as-needed basis, the most recent revision occurring in February 1997 (Ecology et al. 1997).

Before each public participation activity, the press is informed of the issues to be discussed, and notices are sent to elected officials, community leaders, and special

interest groups. A mailing list of approximately 4,500 individuals who have indicated an interest in participating in Hanford Site decisions is maintained and kept current. The mailing list is also used to send topic-specific information to those people who have requested it.

To apprise the public of upcoming opportunities for public participation, the *Hanford Update*, a synopsis of all ongoing and upcoming Tri-Party Agreement public involvement activities, is published bimonthly. In addition, the *Hanford Happenings* calendar, which highlights Tri-Party Agreement scheduled meetings and comment periods, is distributed each month to the entire mailing list.

Most of Hanford's public resides in Washington, Oregon, and Idaho. To allow them better access to up-to-date Hanford Site information, four information repositories have been established. They are located in Richland, Seattle, and Spokane, Washington, and Portland, Oregon.

The three parties respond to questions that are received via a toll-free telephone line (800-321-2008). Members of the public can request information about any public participation activity and receive a response by contacting the Office of External Affairs (DOE Richland Operations Office) at (509) 376-7501.

There is also an Internet home page containing a calendar of public involvement opportunities. The Internet address is <http://www.hanford.gov/whc/cal/cal.html>.

2.1.6 Hanford Advisory Board

The Hanford Advisory Board was chartered in January 1994 to advise DOE on major Hanford Site cleanup policy questions. The board was the first of many such advisory groups created by DOE at weapons production cleanup sites across the national DOE complex. The board comprises 32 members (stakeholders) who represent a broad cross section of interests: environmental, economic development, tribes and other governments, and the public. Each board member has at least one alternate. Marilyn Reeves, of Amity, Oregon, is the chairperson.

The board has five committees: 1) Dollars and Sense, which deals with DOE budget issues; 2) Health, Safety, and Waste Management; 3) Environmental Restoration; 4) the board's internal executive committee; and 5) the Public Involvement committee. Committees study issues and develop policy recommendations for board action.

The board held seven 2-day meetings in 1997. Members received in-depth briefings from the Tri-Party Agreement agencies, reviewed technical reports and proposed budgets, and sought out more information on major public policy issues. From October 1996 through September 1997, the board produced 22 new pieces of consensus advice (making a total of 75), cosponsored several public meetings, produced numerous pieces of "sounding board" advice, and engaged in an ongoing dialogue with the Tri-Party Agreement agencies.

Values adopted by the board provide a basis for its current work in promoting cleanup. These values are simplified into the following ten key principles:

- protect public and worker health and safety
- protect the Columbia River - stop actual and potential contamination of the Columbia River and prevent migration of contamination offsite
- avoid further harm - minimize use of land for waste management, avoid contaminating uncontaminated land, and avoid further damage to critical resources, especially cultural resources, habitat, and groundwater
- dilution is not the solution - all liquid wastes need to be treated according to applicable regulations prior to discharge or disposal
- treaty rights - preserve natural resource rights embodied in treaties, and enforce laws protecting natural and cultural resources
- regional importance - the Hanford Site has ecological, economic, and human resources of regional importance
- vision - an understanding of possible future uses of the Hanford Site can focus decisions about what manner of cleanup is needed and what is most important to accomplish over time; the public, the agencies, and the workers should be able to see the end of the cleanup, if not predict its exact date
- "get on with it" - demonstrate substantive progress on cleanup to ensure continued public support and funding
- public involvement and accountability - involve the public and respect tribal rights in development of the goals, scope, pace, and oversight of cleanup, and

establish management practices that ensure accountability, efficiency, and allocation of funds to high-priority items

- compliance culture - there should be a cooperative commitment to comply with environmental laws; the Tri-Party Agreement should not become a shield against enforcement of other laws.

2.1.7 Hanford Site Technology Coordination Group

The Hanford Site Technology Coordination Group structure implemented at Hanford in 1994 consists of a Management Council and four subgroups aligned with four environmental management focus areas: 1) decontamination and decommissioning, 2) mixed waste, 3) subsurface contaminants, and 4) tanks. The Management Council focuses on Hanford Site policy issues related to technology development and deployment. Subgroups of the Site Technology Coordination Group identify and prioritize the site's science and technology needs, identify technology demonstration opportunities, interface with the Environmental Management Focus Areas, and ensure that demonstrated technologies are deployed.

During 1997, the Hanford Site Technology Coordination Group did a number of things to increase project/user and stakeholder involvement in technology-related activities at the Hanford Site, including the addition of new members on the Management Council and the creation of a handbook that outlines the revised mission and redefined roles and responsibilities. There has also been an increased interest among the members in participating in technology deployment activities such as the Technology Deployment Initiative and the Hanford Technology Deployment Center.

The Management Council endorsed four science and technology needs packages developed by the subgroups for submittal to the four Environmental Management Focus Areas and the Environmental Management Science Program. In addition, they endorsed 18 Technology Deployment Initiative proposals and heard presentations on a number of new technologies being demonstrated and/or deployed on the Hanford Site. This year, the Management Council voted to add a new member from the state of Oregon, worked with the Hanford Advisory Board to increase its participation by filling three Hanford Advisory Board positions on the Management Council,

and wrote and approved a Site Technology Coordination Group Communications Plan.

The Management Council is chaired by the DOE Richland Operations Office Deputy Manager and includes 16 voting members: five DOE Richland Operations Office Assistant Managers (Tank Waste Remediation System, Environmental Restoration, Waste Management, Facility Transition, and Technology); two representatives from the EPA; two representatives from the Washington State Department of Ecology; one representative from the Oregon Office of Energy; three representatives from the Hanford Advisory Board; and three representatives from American Indian tribes (Yakama Indian Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation). Each of the Hanford Site contractors has one ex-officio member on the Management Council, and the Site Technology Coordination Group Subgroups leads also attend.

The elements of the revised mission statement are as follows:

- function by involving user organizations (both DOE and the contractors), technology providers, regulators, American Indian tribes, and stakeholders, and promoting broad information exchange among all interested parties; maintain a helpful attitude and serve as a conscience for technology improvement at Hanford; contribute to DOE-wide communications and lessons learned
- identify, prioritize using systems analysis, and seek consensus on Hanford Site and program-specific problems, science and technology needs, and requirements; recognize baseline schedule insertion points for technology; focus on the baseline, but also identify technologies to support potential baseline alternatives if they offer risk reduction benefits or high financial return on investment by improvements in environmental, safety, or health protection; devote 20% of the effort to science needs and 80% to technology needs and deployment
- be a forum for assessing and recommending potential technologies for application at Hanford; look for technologies that provide improved end states, effectiveness, improved schedules, or improved costs in accomplishing the required results; look for technologies to reduce surveillance and maintenance costs while maintaining safe operations; focus on life-cycle costs and benefits, improvements in environmental,

- safety, or health protection, and improvements in performance, pollution prevention, and waste minimization relative to alternative remedies; make appropriate referrals for vendors (e.g., to DOE or the contractors)
- champion and facilitate demonstration and deployment of innovative, modified, or existing technologies that are new to Hanford and share information with other sites to best leverage all available resources
 - create a viable market for technology with the DOE Richland Operations Office and contractor line project customers and eliminate barriers (e.g., “not invented here,” resistance to change)
 - promote competitive privatization and commercialization by communicating information on Hanford’s science and technology needs and schedule insertion points, as well as demonstration and deployment opportunities, to commercial technology providers; help break barriers to involvement by companies new to Hanford
 - provide input to decision makers (e.g., DOE Richland Operations Office, DOE Headquarters, Congress, and heads of regulatory agencies) on Hanford’s highest priority science and technology needs to ensure critical needs are funded; provide feedback to them on the site’s accomplishments.