



2.1 Stakeholder and Tribal Involvement

J. P. Duncan

Many entities have a role in DOE's mission of environmental restoration, waste management, and protection of the Columbia River at the Hanford Site. Stakeholders include federal, state, and local regulatory agencies; environmental groups; regional communities and governments; and the public. Indian Tribes and

Nations also have a special and unique involvement with the Hanford Site and maintain a government-to-government relationship with DOE. The following sections describe the roles of the principal agencies, groups, organizations, and the public at the Hanford Site.

2.1.1 Regulatory Oversight

K. A. Peterson

Several federal, state, and local regulatory 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 Clean Air Authority.

EPA is the primary federal regulatory agency that develops, promulgates, and enforces environmental regulations and standards as directed in statutes passed by Congress. In some instances, EPA has delegated 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 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 of 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 to regulate radionuclide air emissions at applicable facilities (e.g., the Hanford Site). In accordance with 40 CFR 61, Subpart H, the Hanford Site is required to submit an annual report on the radionuclide emissions. 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 directly enforce federal environmental regulations.

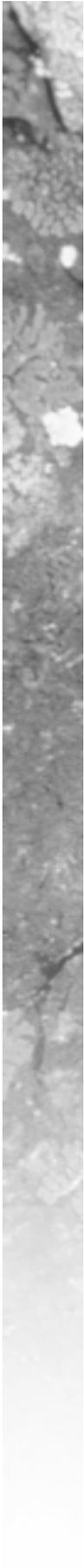
Although Oregon does not have direct regulatory authority at the Hanford Site, DOE recognizes its interest in Hanford Site cleanup because of the state's location along the Columbia River. Oregon participates in the State and Tribal Government Working Group for the Hanford Site, which reviews the site's cleanup plans.

2.1.2 Hanford Federal Facility Agreement and Consent Order

R. D. Morrison

This order (also known as the Tri-Party Agreement; Ecology et al. 1998) is an agreement among the

Washington State Department of Ecology, EPA, and DOE to achieve environmental compliance at the Hanford Site with the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA),



including the *Superfund Amendments and Reauthorization Act of 1986* remedial action provisions, and with the *Resource Conservation and Recovery Act (RCRA)* treatment, storage, and disposal unit regulations and corrective action provisions. The Tri-Party Agreement (1) defines RCRA and CERCLA cleanup commitments, (2) establishes responsibilities, (3) provides a basis for budgeting, and (4) reflects a concerted goal to achieve regulatory compliance and remediation with enforceable milestones. A companion document to the Tri-Party Agreement is the Hanford Site Tri-Party Agreement Public Involvement Community Relations Plan (<http://www.hanford.gov/crp/toc.htm>). This plan describes how public information and involvement activities are conducted for Tri-Party Agreement decisions.

The Tri-Party Agreement has continued to evolve as cleanup of the Hanford Site has progressed. Significant changes to the agreement have been negotiated to meet the changing conditions and needs of the cleanup. The most complex changes were made in 1993 with

further modifications each year since. All significant changes to the agreement undergo a process of public involvement that assures communication and addresses the public's concerns prior to final approvals. Copies of the agreement are publicly available at DOE's Public Reading Room located in the Consolidated Information Center in Richland, Washington, and at information repositories in Seattle and Spokane, Washington, and Portland, Oregon. The Tri-Party Agreement can also be viewed on the Internet at <http://www.hanford.gov/tpa/tpahome.htm>. To be placed on the mailing list for Tri-Party Agreement information, contact 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
Public Involvement, M/S B3-30
P.O. Box 1000
Richland, WA 99352

2.1.3 The Role of Indian Tribes

K. V. Clarke

The Hanford Site is located on land ceded to the United States government by the Yakama Nation and the Confederated Tribes of the Umatilla Indian Reservation in the Treaties of 1855. These tribes, as well as the Nez Perce Tribe, have treaty fishing rights on portions of the Columbia River. These 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 and unclaimed land. The Wanapum People are not a federally recognized tribe; however, they have historic ties to the Hanford Site as do the Confederated Tribes of the Colville Reservation, whose members are descendants of people who used the area known as the Hanford Site.

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

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. Tribal government representatives from the Yakama Nation,

Confederated Tribes of the Umatilla Indian Reservation, and Nez Perce Tribe participate in DOE supported groups such as the State and Tribal Government Working Group, the Hanford Natural Resources Trustee Council, the Hanford Site Groundwater/Vadose Zone Integration Project, the Hanford Cultural Resources Program, and provide review and comments on draft documents. Both the Wanapum People and the Confederated Tribes of the Colville Reservation also are provided an opportunity to comment on documents and participate in cultural resource management activities.

The DOE American Indian and Alaska Native Tribal Government Policy (revised in November 2000) guides DOE's interaction with tribes for Hanford plans and activities. The policy states, among other things, "The Department will consult with any American Indian or Alaska Native tribal government with regard to any property to which that tribe attaches religious or cultural importance which might be affected by a DOE action." In addition to the DOE American Indian and Alaska Native Tribal Government 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, executive orders, laws, regulations and the federal trust responsibility, provide the basis for tribal participation in Hanford Site plans and activities. DOE provides financial assistance through cooperative

agreements with the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, and Nez

Perce Tribe to support their involvement in environmental management activities of the Hanford Site.

2.1.4 Hanford Natural Resource Trustee Council

J. H. Zeisloft

The President of the United States is required by CERCLA 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 trustee for all natural resources located on, over, or under land administered by DOE. Other designated federal trustees for Hanford natural resources include 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.

CERCLA also authorizes state governors to designate a state trustee to coordinate all state trustee responsibilities. CERCLA further states that chairmen (or heads of governing bodies) of Indian tribes have essentially the same trusteeship over natural resources belonging to or held in trust for the tribe as state trustees. Indian tribes and state organizations have been designated as natural resource trustees for certain natural resources at or near the Hanford Site. Indian tribes include the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, and Nez Perce Tribe. State organizations include Washington, represented by the Washington State Department of Ecology and Washington State Department of Fish and Wildlife, and Oregon, represented by the Oregon Department of Energy.

The responsibilities of trustees as established by CERCLA include cooperating with project managers to coordinate assessments, investigations and planning; carrying out damage assessments; and devising and implementing restoration plans. To formalize their responsibilities, the Hanford trustees signed a

memorandum of agreement (1996) establishing the Hanford Natural Resource Trustee Council. The primary purpose of the council is to facilitate the coordination and cooperation of the trustees in their efforts to mitigate the impacts to natural resources that result from either hazardous substance releases within the Hanford Site or the remediation of those releases. The council also adopted bylaws to direct the process of arriving at consensus agreements.

The Hanford Natural Resource Council is performing an ongoing assessment of potential injury to Columbia River aquatic resources from exposure to hazardous substances released from the Hanford 100 Areas. The initial phase of this assessment involved preparation of an aquatic resources assessment plan (U.S. Fish and Wildlife Service 1999) by the U.S. Fish and Wildlife Service using the natural resource damage assessment regulations in 43 CFR 11 as guidance. The council approved the plan, which focused on several contaminants, including chromium that has migrated via groundwater flow to sections of the Columbia River used by fall chinook salmon for spawning. As recommended in the assessment plan, the council is studying these chromium releases to assess their potential to injure the salmon. The results of this study will aid the trustees, regulators, and DOE to develop, evaluate, and select remedial actions that minimize or eliminate any injury to the salmon.

The council also performed a pre-assessment screen for the former Hanford 1100 Area. In response to concerns raised by that screen, the trustees are coordinating with DOE on the collection and analysis of additional data pertaining to waste sites within the 1100 Area.

Additional information about the council, including its history and projects can be found on the Internet at <http://www.hanford.gov/boards/nrtc>.

2.1.5 Public Participation

B. K. Wise

Individuals may influence Hanford Site cleanup decisions through public participation activities. The public is provided opportunities to contribute their input and influence decisions through many forums,

including Hanford Advisory Board meetings, Tri-Party Agreement activities, *National Environmental Policy Act* public meetings on various environmental impact statements, and other involvement activities. The Office of Intergovernmental, Public and Institutional Affairs (DOE Richland Operations Office) and the



Office of Communication (DOE Office of River Protection) coordinate the planning and scheduling of public participation activities for the Hanford Site.

The Hanford Site Tri-Party Agreement Public Involvement Community Relations Plan (Tri-Party Agreement Agencies 2002) outlines how public information and involvement activities are conducted for Tri-Party Agreement decisions. Washington State Department of Ecology, DOE, and EPA developed and revised the plan with input from the public. The plan was approved in 1990. The plan is updated on an as-needed basis; the most recent revision occurred in January 2002. The plan can be found on the Internet at <http://www.hanford.gov/crp/toc.htm>.

A mailing list of about 3,300 individuals who have indicated an interest in participating in Hanford Site decisions is maintained. The mailing list also is used to send topic-specific information to those people who have requested it. Information is provided on upcoming decisions to elected officials, community leaders, special interest groups, and the media.

To inform 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 meetings and comment periods, is distributed each month to the entire mailing list. To allow Hanford stakeholders and others to access up-to-date information, documents from the Tri-Party Agreement's Administrative Record and Public Information Repository are available on the Internet at <http://www2.hanford.gov/arpir>.

The public can obtain information about cleanup activities 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 Intergovernmental, Public and Institutional Affairs (DOE Richland Operations Office) at (509) 376-7501. Also, a calendar of public involvement opportunities can be found on the Internet at <http://www.hanford.gov/calendar/>.

2.1.6 Hanford Advisory Board

B. K. Wise

The Hanford Advisory Board was chartered in January 1994 to advise DOE, EPA, and Washington State Department of Ecology on major Hanford Site cleanup policy issues. The Hanford Advisory Board was the first of many such advisory groups created by DOE at weapons production cleanup sites across the national DOE complex. The board consists of 31 members who represent a broad cross section of interests, including environmental, local governments, public health, business, tribal governments, and the public. Each board member has at least one alternate. Todd Martin, public at large, is the chairperson. The board has five standing committees: (1) Budgets and Contracts, (2) River/Plateau, (3) Health, Safety, and Environmental

Protection, (4) Tank Waste, and (5) Public Involvement and Communication.

The board held six 2-day meetings in fiscal year 2001. Members are engaged in discussions with representatives from the Tri-Party Agreement agencies on major cleanup issues, plans to treat tank waste, and budget priorities. The board produced 11 new pieces of consensus advice (making a total of 122), engaged in a series of meetings, participated in several workshops and engaged in informational exchanges with each other and representatives from the Tri-Party Agreement agencies. Information about the Hanford Advisory Board, including copies of its advice and responses can be found on the Internet at <http://www.hanford.gov/boards/hab/index.htm>.

2.1.7 Hanford Site Technology Coordination Group

L. L. Fassbender

The Hanford Site Technology Coordination Group was established in 1994, and its structure was modified in early 2000. It consists of a Management Council and five subgroups aligned with the Environmental Management Focus Areas: (1) deactivation and decommissioning, (2) mixed waste, (3) subsurface contaminants,

(4) tanks, and (5) nuclear materials. The DOE Headquarters' Office of Environmental Management established the Focus Areas to develop and deliver solutions to technology needs identified at DOE sites across the nation. Subgroups of the Hanford Site Technology Coordination Group provide detailed documentation of the Hanford Site's technology needs to guide the focus areas' efforts in technology development.

The Management Council continued to focus on Hanford Site policy issues related to technology development and deployment. Subgroups of the Hanford Site Technology Coordination Group identified and prioritized the site's science and technology needs, identified technology demonstration opportunities, interfaced with the Environmental Management Focus Areas, and helped assure that demonstrated technologies are deployed.

During 2001, the subgroups endorsed the science and technology needs developed by the site contractors for submittal to the Environmental Management Focus Areas and the Environmental Management Science Program. The Environmental Management Science Program sponsors basic research on fundamental issues that may be critical to ongoing technology development. This research may result in decreased public and worker risks, major cost reduction opportunities, schedule acceleration required to achieve DOE's cleanup mission, and answers to problems considered intractable without new knowledge. Hanford's science and technology needs can be found on the Internet at <http://www.hanford.gov/boards/stcg/>. In addition, the subgroups heard and provided comments on numerous presentations on a variety of new technologies being demonstrated and/or deployed on the Hanford Site.

The DOE Richland Operations Office Associate Manager for Science and Technology chairs the Management Council, and the head of Fluor Hanford Technology Management Division is the co-chair. The Management Council includes four DOE Richland Operations Office Assistant Managers (River Corridor, Central Plateau, Planning and Integration, and Safety and Engineering), as well as representatives from the Office of Spent Nuclear Fuels, the Fast Flux Test Facility Project Office, and the Office of Training Services and Asset Transition. Representatives from the DOE Office of River Protection also participate. The Management Council includes two representatives from EPA, two from the Washington State Department of Ecology, one from the Oregon Department of Energy, three from the Hanford Advisory Board, and three from American Indian tribes (Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation). The Hanford Site contractors also have designated representatives on the Management Council.

The elements of the Hanford Site Technology Coordination Group mission statement can be found on the Internet at <http://www.hanford.gov/boards/stcg/>.

