

## 2.1 Agency and Public Involvement

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J. P. Duncan

A number of federal, state, and local governmental agencies; tribal governments; advisory boards; activist groups; and individuals exercise various roles with respect to the DOE's mission of waste management, environmental restoration, and protection of public health and safety at the Hanford Site. For example, federal and state agencies exercise a mandated regulatory role over contaminant releases and concentrations of contaminants in various media; several tribes assure, through a government-to-government relationship with the DOE, that treaty rights and other values important to Native Americans are taken into account. The roles of some of the regulatory agencies, organizations, and the public are addressed in the following sections.

### 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 agencies include the U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology, Washington State Department of Health, and Benton Clean Air Authority.

The EPA is the primary federal regulatory agency that develops, promulgates, and enforces environmental regulations and standards as directed in statutes enacted by Congress. In some instances, the 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 the EPA's requirements. For instance, the EPA has delegated the authority for enforcement of certain air pollution control and hazardous waste management regulations to Washington State Department

of Ecology. In other activities, the state program is assigned direct environmental oversight of the DOE, as provided by federal law. For example, Washington State Department of Health has direct authority under the Washington State *Clean Air Act* to enforce its standards and requirements under a state-wide program to regulate radionuclide air emissions at the Hanford Site. In accordance with Title 40, Code of Federal Regulations, Part 61 (40 CFR 61), Subpart H, the DOE is required to submit an annual report on radionuclide emissions at the Hanford Site. Where federal regulatory authority is not delegated or only partially authorized to the state, the EPA Region 10 is responsible for reviewing and enforcing compliance with EPA regulations as they pertain to the Hanford Site. The EPA periodically reviews state environmental programs and may directly enforce federal environmental regulations.

Although Oregon does not have regulatory authority at the Hanford Site, the DOE recognizes its interest in Hanford Site cleanup because of the site's location along the Columbia River, upriver from where the river serves as a border between Washington and Oregon. Oregon has seats on the Hanford Advisory Board and participates in the State and Tribal Government Working Group for the Hanford Site, which reviews the site's cleanup plans, and participates in the Hanford Natural Resource Trustee Council.

### 2.1.2 Hanford Federal Facility Agreement and Consent Order

R. D. Morrison

The Hanford Federal Facility Agreement and Consent Order (also known as the Tri-Party Agreement; Ecology

et al. 1989) 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* 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* (Tri-Party Agreement Agencies 2002). This plan describes how public information and involvement activities are conducted for Tri-Party Agreement decisions.

The Tri-Party Agreement has evolved as cleanup of the Hanford Site has progressed. Significant changes to the agreement have been negotiated to meet the changing conditions and needs of site cleanup. All significant changes to the agreement undergo a process of public involvement that enhances 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 be viewed on the Internet at <http://www.hanford.gov/tpa/tpahome.htm>. To be placed on the mailing list to obtain Tri-Party Agreement information, contact the EPA or the DOE directly, or call the Washington State Department of Ecology at 1-800-321-2008. Requests can be sent to:

Hanford Mailing List  
P.O. Box 1000  
M/S B3-30  
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 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, the 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 Cultural Resources Program, and provide review and comments on draft documents. Both the Wanapum 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 the 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 of 1979*, 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. The 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

S. H. Wisness

The President of the United States, by Executive Order, has appointed the heads of some federal departments 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. For example, the President appointed the Secretary of Energy as the primary trustee for all natural resources located on, over, or under land administered by the DOE, including the Hanford Site. 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 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. In that regard, 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 the Washington State Department of Ecology, Washington Department of Fish and Wildlife, and Oregon Department of Energy.

The DOE cooperates and coordinates with trustees and has coordinated assessments, investigations, and planning; and devised and implemented restoration plans. 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 effects to natural resources that result from either hazardous substance releases within the Hanford Site or remediation of those releases. The council also adopted bylaws to direct the process of arriving at consensus agreements. The trustees met as a formal council four times during 2003 to discuss cleanup issues concerning the Central Plateau and Columbia River Corridor. In addition to cooperation and information sharing, the council is preparing a project management plan to guide coordination of response work between the DOE and other natural resource trustees. Information about the council, including its history and projects, can be found at <http://www.hanford.gov/boards/nrtc>.

## 2.1.5 Public Participation

Y. T. Sherman

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 but not limited to Hanford Advisory Board meetings, Tri-Party Agreement activities, *National Environmental Policy Act* public meetings on various environmental impact statements, and other involvement activities. The Offices of



Communications (the DOE Richland Operations Office and the 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. The Washington State Department of Ecology, DOE, and EPA developed and revised the plan with input from the public. The plan was approved in 1990 and is updated on an as-needed basis; the most recent revision occurred during 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 news 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 approximately bimonthly and distributed 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 at <http://www2.hanford.gov/arpir>.

The public can obtain information about cleanup activities from the Washington State Department of Ecology Hanford Cleanup Line at 1-800-321-2008. The public can request information about public participation activities and receive a response by contacting the Office of Communications (DOE Richland Operations Office) at

(509) 376-7501. Also, a calendar of public involvement opportunities can be found at <http://www.hanford.gov/calendar/>.

## 2.1.6 Hanford Advisory Board

Y. T. Sherman

The Hanford Advisory Board was chartered during January 1994 under the *Federal Advisory Committee Act* to advise the 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 the DOE at weapons production cleanup sites across the nation. 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, Citizens for a Clean Eastern Washington, is the current chairperson. The board has five committees: two technical committees (River and Plateau Committee and Tank Waste Committee) and three cross-site committees (Budgets and Contracts, Health Safety and Environmental Protection, and Public Involvement and Communications).

The board held six 2-day meetings during 2003. Members are engaged in discussions with representatives from the Tri-Party Agreement agencies on major cleanup issues; plans to treat tank waste and the role of supplemental technologies; storage, treatment and/or disposal of waste; and budget priorities. The board issued 12 pieces of consensus advice, 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 at <http://www.hanford.gov/boards/hab/index.htm>.