

Recommendation 329

Providing Opportunity for the Public to Provide Written Comments on Savannah River Site Cleanup Decisions

Background

In 1993, the Department of Energy negotiated a Federal Facility Agreement with the US Environmental Protection Agency and the SC Department of Health and Environmental Control. This Agreement coordinates the remedial actions at the Savannah River Site that are required under two laws, the Resource Conservation and Recovery Act and the Comprehensive Environmental Response, Compensation and Liability Act.

Both of these Acts require the public to be given an opportunity to review and comment on draft Resource Recovery and Recovery Act permit modifications, which regulates how the Site manages hazardous waste materials, and proposed remedial alternatives under the Comprehensive Environmental Response, Liability, and Control Act.

To facilitate public involvement in the decision-making process for permitting, closure, and the selection of remedial alternatives, Federal Facility Agreement includes a Community Involvement Plan. In the Community Involvement Plan it is stated that “The objectives of the program are:

- Keep the public well informed of ongoing and planned activities
- Encourage and enable the public to get involved
- Listen carefully to what the public is saying
- Identify and deal responsibly with public concerns
- Change planned actions where public comments or concerns have merit
- Explain to citizens how DOE considered their comments, what DOE plans to do, and why DOE reached its decision.” (Page 5, WSRC-RP-96-120, Revision 7, February 2011)

In the Community Involvement Plan it is also stated that

“Over the years, the CAB has been the primary forum to respond to key community concerns about SRS. The board's membership is carefully considered to reflect a full diversity of viewpoints in the affected community and region. Board members are composed of people who are directly affected by DOE site clean-up activities, and represent entities including, but not limited to, stakeholders from local government; Tribal nations; environmental, civic and religious groups; labor organizations; and/or academia.” (Page 5, WSRC-RP-96-120, Revision 7, February 2011)

Comments

Recently, a 45-day public comment period was announced for the “Early Action Statement of Basis/Proposed Plan for the C-Area Operable Unit (U).” In the Proposed Plan it is stated that “The final remedial decision will be made only after the public comment period has ended and all comments have been received and considered.” (Page 2 of 40, SRNS-RP 2014-00009, Revision 1) The comment period ran from November 17, 2014 to January 1, 2015.

Unfortunately, the timing of the comment period did not allow for the Citizens Advisory Board to get input from the public, formulate comments, and take action on written comments as the Board did not have a Full Board Meeting in that timeframe. As a result, the Board submitted a request to the Department of Energy to extend the comment period for 30 days, until January 31, 2015, and asked for a public meeting at least one week prior to its Full Board Meeting, which was scheduled for January 27, 2015. The Department of Energy accommodated the 30-day extension period, but was unable to schedule the public meeting in the timeframe that was requested.

If the Citizens Advisory Board is really going to function in its role as the forum for- community concerns, the Department of Energy should schedule public comment periods on cleanup decisions and other actions that are important to the public so the Board has an opportunity to provide a written comment letter or formal recommendation.

In addition, any document that is written with the intent of public input should be written using plain language. In the 40-page Proposed Plan that is discussed above, there are 65 acronyms used, which hinders understanding and extends the reading time greatly. The unnecessary use of acronyms is illustrated by the use of an acronym for human health (HH).

Recommendations:

The Savannah River Site Citizens Advisory Board recommends that the Department of Energy:

1. Schedule public comment periods on documents that are relevant to the Federal Facility Agreement and other documents that are a concern to the public in a timeframe that allows the Board to take formal written action.
2. Routinely schedule public meetings on documents out for public comment.
3. Include topics in the annual work plan of relevant committees those actions that will be proposed and made available for public comment.
4. Prepare documents intended for public review and comment using the principles described in the “Federal Plain Language Guidelines” revised in May 2011.