



# **SRS Citizens Advisory Board**

## **Environmental Remediation Committee**

### **Meeting Summary**

March 27, 2000  
Houndslake Country Club  
Aiken, SC

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#### **CAB Members**

Jimmy Mackey\*

Murray Riley\*

Maria Reichmanis\*

Beaurine Wilkins\*

Bill Lawless

Kathryn May

#### **Stakeholders**

Carolyn Thomas

Rick McLeod (CAB Tech. Advisor)

#### **Regulators**

Julie Corkran, EPA

Keith Collinsworth, EPA

#### **DOE/Contractors**

Gerri Flemming, DOE

Paul Sauerborn, WSRC

Gerry Stejskal, WSRC

Tom Heenan, DOE

Paul Huber, BSRI

Brian Hennessey, DOE

Mike Schoener (CAB Facilitator)

\*Denotes CAB ER Committee Members

**Introduction:** Jimmy Mackey introduced himself as the new ER Committee Chairman and Maria Reichmanis as the new vice chair. Mr. Mackey then asked for introductions.

**Comment by DOE regarding CERCLA soils:** Tom Heenan, DOE, made a statement regarding CERCLA soils. Mr. Heenan stated that there are only a few sites on the Savannah River Site that contain radiological Low Level Waste soils, and the quantities may not require removal, but treatment in place. He stated that the TNX outfall area might be handled using phytoremediation technology. Mr. Heenan was compelled to comment, due to the development of a motion that addressed the CERCLA soil disposition for future sites at SRS.

**Schedule Review:** Paul Sauerborn reviewed the ER Committee matrix, which addresses upcoming meetings and topics. The next ER Committee meeting will be held at the North Augusta Community Center on April 25 from 8:30am to 4:30pm. The meeting will allow for all CAB Committees to meet and discuss pertinent topics. This is a new pilot approach to Committee meetings. Mr. Sauerborn asked that issues or concerns with the matrix be brought to his attention.

**K-Area Reactor Seepage Basin Use of Plug in Record of Decision (Commendation Letter):** Brian Hennessey presented an overview of the Plug In ROD process. Mike Schoener, CAB facilitator, facilitated the meeting at the request of Mr. Mackey. Mr. Schoener stated that since everyone was familiar with the letter would the group move forward to address any areas of concern. There were no concerns addressed by the group on the content of the commendation letter.

**Alternatives for On-site Disposal of CERCLA Waste (Recommendation):** Mr. Schoener asked the group to identify issues in the Recommendation that presented concern to the Committee or other attendees. Bill Lawless was concerned that the CAB and public were not being notified early enough in the Federal Facility Agreement (FFA) process to effectively study and make recommendations on various units identified in the FFA. Mr. Lawless indicated that from his perspective the remedial decisions were

already made before the public had a chance to study the problem and make recommendations on the solution. Keith Collinsworth stated that in the Federal Facility Agreement there are specific time periods when the public is notified to provide comment and that no final decisions would be made without public comments being solicited and considered where applicable. Julie Corkran noted that Mr. Collinsworth's comments were correct and that EPA is still however charged with ultimate decision making responsibility. Paul Huber reinforced Mr. Collinsworth and Ms. Corkran by stating that the SRS actively brings issues to public attention.

**Clarification provided by Dr. Bill Lawless as to the intent of his comments made at the meeting:**

*Comment from Bill Lawless: thanks for the opportunity to respond to EPA's comment. It suggests to me that a clarification of my concerns is still needed. While EPA and DHEC may have statutory authority on decision-making, as I tried to explain during the committee meeting, in my opinion there is wide latitude within the legal statutes on how to construct the decision making process. My recommendation, which was subsequently supported by the board's motion, was to construct the decision making process to be sufficiently open in order to allow the public to share in making decisions while the public is present (the colloquial term for legislative decision making processes is often describe as "sunshine" legislation). To my knowledge, there is no legislation that precludes the public's participation in the decision making process. Further, from my reading of the meeting summary, there remains a misunderstanding by the three agencies of what constitutes making decisions behind "closed doors". It means that as long as the three agencies make decisions away from public scrutiny until after the decision has been fully vetted by the three agency management's all the while that public scrutiny is relegated to commenting on the end result, then that constitutes making decisions behind closed doors. It matters not how much subsequent access the public is given to the fruits or products of the decision (i.e., the public records); as many politicians have discovered over the centuries, and as DOE's management discovered during the 1980's, there is nothing that the public so distrusts as being unable to participate in the actual decision itself, or, at the very minimum, to witness the process (the technical term is "transparency"). What the three agencies fail to grasp is that the public cannot judge whether the process is rigged or not by those who hold the "ultimate decision making responsibility". It is not a matter of trusting the three agencies, and it is immaterial whether the agencies regard this position as a lack of respect, in my opinion, the function of public oversight in a republic such as the one we are blessed with in the U.S. is to provide an "ultimate" check and balance on the abuse of power by the institutions legally permitted to function within our democracy. This ultimate check and balance cannot be enacted without transparency....thanks, Bill Lawless*

**Clarification provided by Dr. Julie Corkran as to the intent of her comments made at the meeting:**

*EPA noted that the CAB functions in an advisory capacity. EPA stated that DOE, SCDHEC and EPA, as the parties to the FFA, have the ultimate responsibility and authority to make final cleanup decisions. EPA further stated that the agencies have a concurrent responsibility to solicit and carefully consider CAB and other stakeholder input on the decisions that are being made. The stakeholder input may impact the decisions a little, a lot, or not at all. Regardless, the agencies have an additional responsibility to explain to the stakeholders how their input did or did not impact the decisions made.*

**Public Comments:** Mr. Mackey asked for public comment. There were none.

Mr. Mackey thanked Mr. Schoener, the presenters and other attendees, and the meeting was adjourned.

**For copies of meeting handouts call 1-800-249-8155**