Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

November 22, 2011

Paula Call
U.S. Department of Energy
Richland Operations Office
P.O. Box 550, MS: A7-75
Richland, WA 99352

Ms. Jane Hedges, Program Manager
Nuclear Waste Program
State of Washington Department of Ecology
3100 Port of Benton
Richland, Washington 99354

Mr. Dennis Faulk
United States Environmental Protection Agency, Region 10
309 Bradley Blvd., Suite 115
Mail Code: HPO
Richland, Washington 99352

Subject: *Review of the Hanford Public Involvement Plan*

Dear Ms. Call, Ms. Hedges, and Mr. Faulk,

The Yakama Nation ERWM Program appreciates the opportunity to review and provide comments on the *Hanford Public Involvement Plan.* This letter transmits our general comments on areas of concern for the Yakama Nation.

The Yakama Nation looks forward to dialog on these concerns and comments. If you have any questions please contact Russell Jim (509) 945-6741, or Dave Rowland (509) 582-3466 or (509) 945-4488.

Sincerely,

Russell Jim
Yakama Nation
ERWM Program Manager

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Cc: Ken Niles, Oregon Dept of Energy
Stuart Harris, CTUIR
Gabriel Bohnee, NPT
Wade Riggsbee, Yakama Nation ERWM
Administrative Record

Suggested text additions for new or existing sections of the Public Involvement Plan for the United States Department of Energy Hanford Site:

Introduction:

People have a fundamental desire to participate in decisions that affect their lives. Experience has shown time and again that decisions implemented without the involvement of those affected are likely to be ineffective, resisted, and rapidly overturned. Conversely, decisions that involve the full range of people impacted are much more likely to achieve broad-based support and long-term success.

Statement of Purpose: Public participation is an integral part of the Department of Energy, EPA & Ecology's responsibilities under the regulatory statues which govern Hanford Site cleanup. Their common goals are to 1) provide the public with timely information and meaningful opportunities for participation 2) identify the public's values, priorities, and concerns and incorporate them into the activities conducted and decisions made at the Hanford site. These goals will be met through a public participation program that includes: The early planning and development of a site-specific public participation plan; the provision of public notices; a site register; public meetings or hearings; and the participation of regional citizens' advisory committees.

What is community involvement?
A traditional and essential role for community involvement is the incorporation of community values and needs into decisions made at Hanford. In the end, designated officials (the U. S. Department of Energy and regulatory agencies [EPA & Ecology] must make decisions concerning Hanford. These decisions are often difficult because conflicting interests and values must be balanced. Sometimes these are decisions that the community – or a portion of the community – won't agree with. Community involvement allows the breadth of interests and values from across the community to be heard by the decision makers in order to make the best possible decisions overall. Community involvement also allows the people in the community to hold the decision makers accountable for hearing their concerns and carefully considering them – one way or the other – in the decision-making process.

Core Values:
US DOE's Hanford site's community involvement process is founded on the following core values:
Accessibility: US DOE management will be available, approachable, and open.
Accountability: US DOE management will be responsible for involving the community, stakeholders, and Tribes in decisions and for providing explanations for the rationale behind decisions.
Accuracy: US DOE management will provide timely, accurate information related to its activities.
Communication: US DOE management and staff will actively seek open, two-way exchange of information, knowledge, and perspectives between the Hanford Site, stakeholders, and the Tribes.

Decision making:
Decision making contributes to success in community involvement when the community understands what the decision is, how the decision fits within the overall Hanford Site operations, and how community input will affect the decision, and then sees tangible, specific results from its efforts. It is the Tri-Party Agencies [Ecology, EPA & US DOE] policy to ensure that the ideas, interests and concerns of its stakeholders and Tribes are considered in program planning and decision-making processes that affects the community or the general public. This policy is intended to bring a broad range of viewpoints and values into program planning and decision making before decisions are imminent. This will enable informed decisions and build mutual understanding between the Tri Party Agencies, stakeholders and the Tribes. To affect this policy The Tri-Party Agencies [US DOE, EPA& Ecology's representative managers] will:

- Actively seek and consider early public input regarding Hanford decisions that affect the community (Stakeholders) and Tribes. The segment of the community or Tribes that will be most affected by decisions will be clearly identified.
- Inform the community in a timely manner of key upcoming decisions, progress on ongoing activities, emerging technologies, and opportunities for economic diversity which may impact the community.
- Provide opportunities for the public (Stakeholders) and Tribes to have input in an open, two-way exchange of information, knowledge and perspectives.
- Provide a public account of decisions made and responses to public input regarding these decisions and how a specific decision relates to other decisions.
- Provide reasonable access to relevant reports, records and documents and seek to provide non-technical explanations on technical matters when requested by the public (Stakeholders) or the Tribes.
- Continually assess its performance in community involvement. The Hanford Advisory Board will be asked to formally assess the Hanford Site's community involvement performance each year.

Additional bullets under Goals of Public Involvement:
The Public Involvement process may include identifying and conferring with individuals, community groups, local governments, tribes, public agencies, or any other organizations that may have an interest in or knowledge of the facility.

- Whenever reasonable, the department shall consolidate public notice and opportunities for public comment under this chapter with public notice and comment requirements under other laws and regulations. (also mentioned on pg 9)
- Advise the public of known or potential risks to human health and the environment that could be avoided or reduced by providing information to the public.

Additional bullets under Public Notification Process:

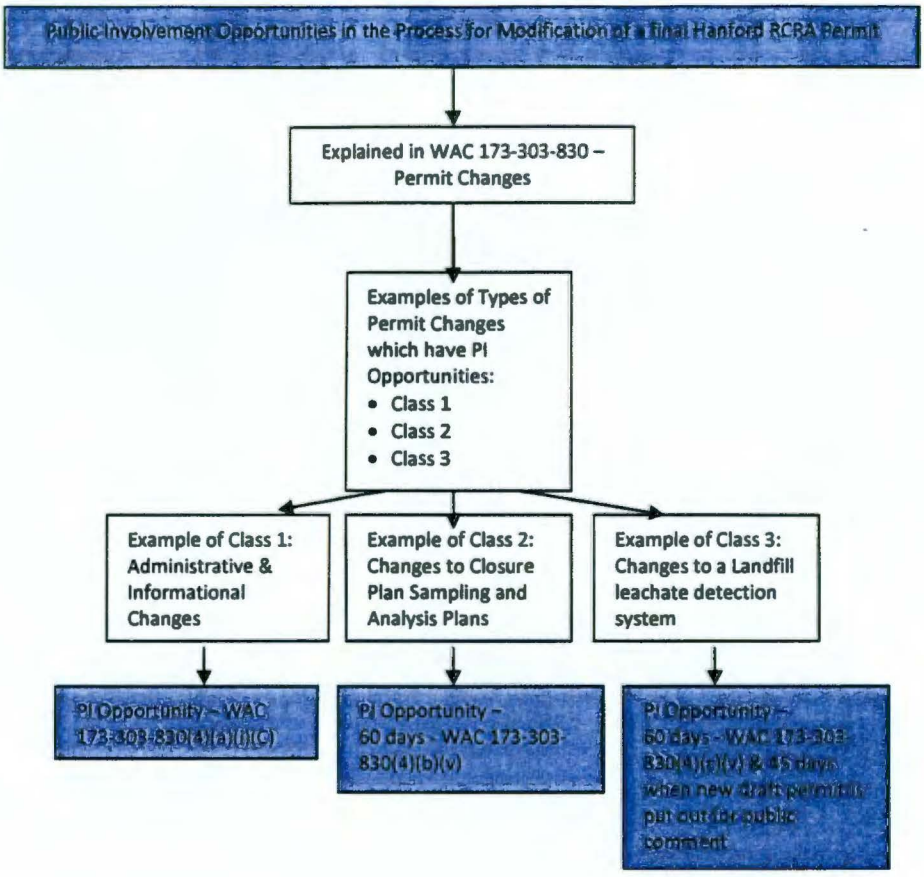
- For public notices describing cleanup plans that use site-specific risk assessment or would restrict future site or resource use, the public notice shall specifically identify the restrictions and invite comments on these elements of the cleanup plan. This notice shall also include a statement indicating the availability of public participation grants and of the department's citizen technical advisor for providing technical assistance to citizens on site-specific risk assessment and other issues related to site remediation.
- For sites where site-specific risk assessment is used, the department shall also evaluate public interest in the site, significant public concerns regarding future site use, and public values to be addressed through the public participation plan

Add a section for Definitions:

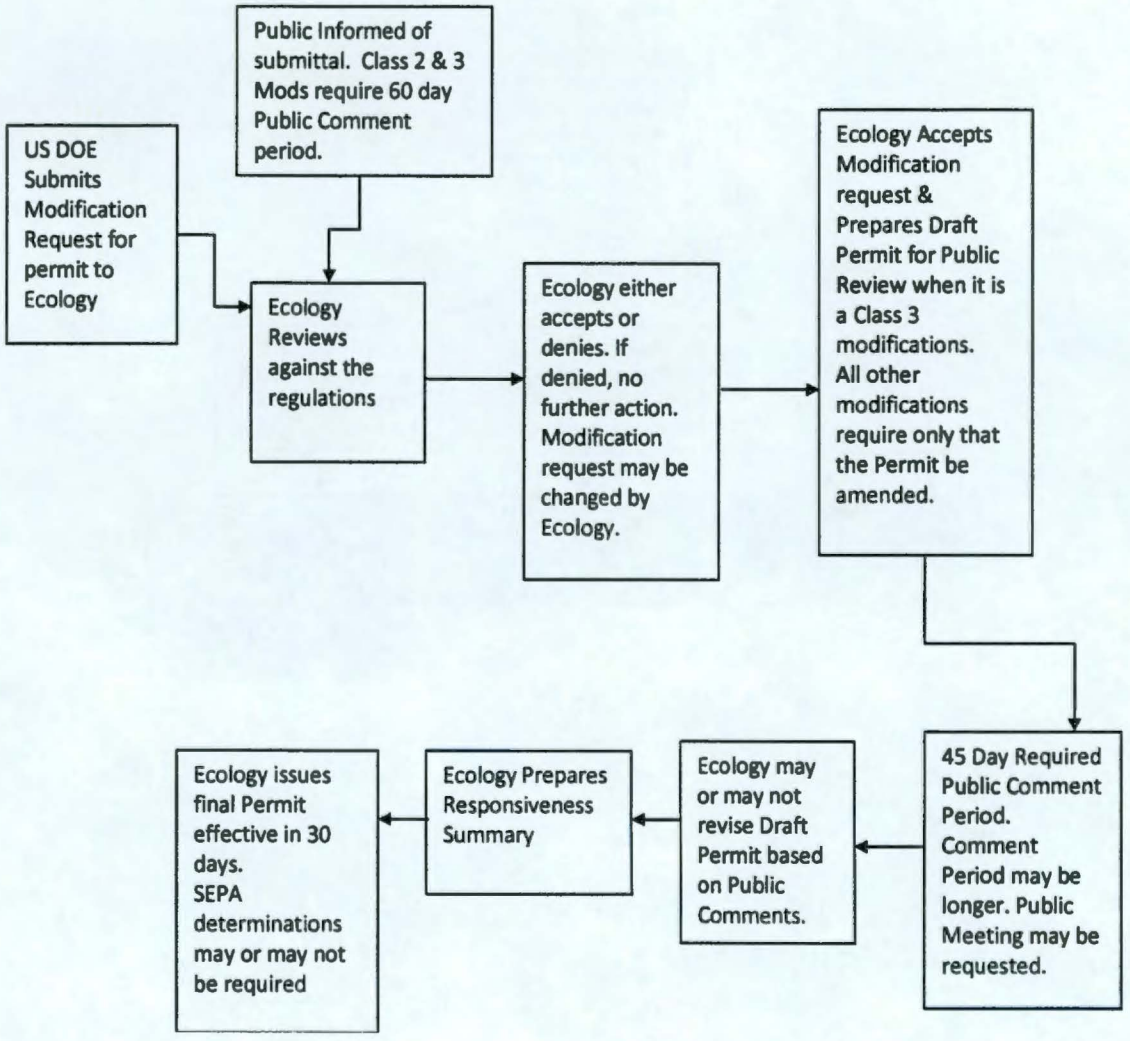
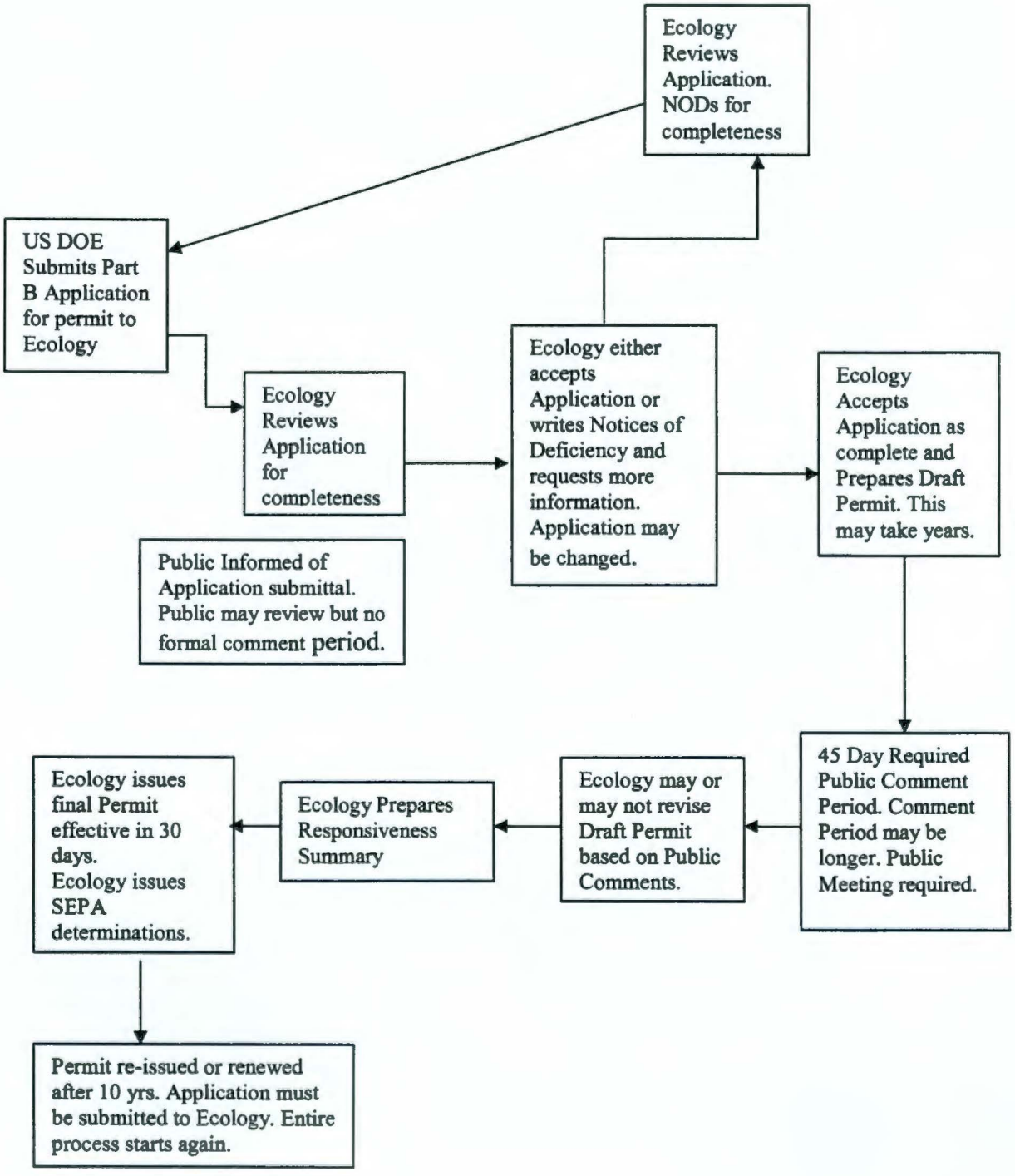
- Responsiveness Summary: Each *Responsiveness Summary* shall identify the public participation activity conducted; describe the matters on which the public was consulted; summarize the public's views, significant comments, criticisms and suggestions; and set forth the agency's specific responses in terms of modifications of the proposed action or an explanation for rejection of proposals made by the public. Responsiveness Summaries prepared by agencies receiving EPA financial assistance shall also include evaluations by the agency of the effectiveness of the public participation program.
- "Strive": Clearly define all instances when public involvement opportunities are beyond the legal requirements and may not always occur. Clearly define when public involvement opportunities are legally required and when they will occur.

Align Figures & Text to comply with WAC 173-303 regulatory requirements:

- Figure 3: Remove EPA references. EPA only advises now that Ecology has complete authority under the Dangerous Waste regulations. Unclear what happens after Dispute Resolution for Part B Application; edit to reflect that after dispute resolution, Ecology will prepare a draft permit.
- Figure 3: Modification processes of a final RCRA permit are not provided. Please include a new figure for Class 2 Modifications to a final RCRA permit which includes a box for 60days public comment opportunity. Please include a new figure for Class 3 Modifications to a final RCRA permit which includes a box for 60 public comment opportunity & the second 45 days public comment period for a new draft permit.
    - See attached suggested figures
- Add additional text or edit text to address:
    - Clarification of details of the modification process for Class 1,2, & 3 permit modifications
    - Ecology's full authority to implement requirements of WAC 173-303.
    - "Public Hearings" and differences between hearings and meetings.
    - Correct text which states RCRA permitting decisions/modifications are made under the umbrella of the TPA. These are made under WAC 173-303-830 & -840.
    - Ecology's administrative record supporting draft permit, permit decisions, etc.


Public Involvement Opportunities in the Process for Modification of a final Hanford RCRA Permit
Explained in WAC 173-303-830 – Permit Changes
Examples of Types of Permit Changes which have PI Opportunities:
• Class 1
• Class 2
• Class 3
Example of Class 1: Administrative & Informational Changes
Example of Class 2: Changes to Closure Plan Sampling and Analysis Plans
Example of Class 3: Changes to a Landfill leachate detection system
PI Opportunity – WAC 173-303-830(4)(a)(i)(C)
PI Opportunity – 60 days - WAC 173-303-830(4)(b)(v)
PI Opportunity – 60 days - WAC 173-303-830(4)(c)(v) & 45 days when new draft permit is put out for public comment

RCRA Permit Modification Process under WAC 173-303 Dangerous Waste Regulations applicable to the Hanford Site



RCRA Permitting Process under WAC 173-303 Dangerous Waste Regulations applicable to the Hanford Site