



### **Savannah River Site Citizens Advisory Board**

## **Recommendation 203 The Federal Facility Agreement Process - Early Involvement of Stakeholders**

### **Background**

The South Carolina Department of Health and Environmental Control (DHEC), the Environmental Protection Agency (EPA), and the U.S. Department of Energy (DOE) have entered into an agreement for conducting environmental investigations and remediation at the Savannah River Site (SRS). This agreement, known as the Federal Facility Agreement (FFA), governs the corrective/remedial action process from site investigation through site remediation in accordance with guidelines set forth under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA). To aid the three parties (DHEC, EPA, & DOE) in their task of administering the terms of the FFA, the FFA Implementation Plan has been developed. The Plan is also intended to facilitate greater understanding among stakeholders of the terms and process of the FFA (Ref. 1).

The remedial action process is conducted for all units listed in Appendix C, RCRA/CERCLA Units (including TNX Outfall Delta), of the FFA. The process and resulting Primary Documents (highlighted below in bold-faced text, in the order of their occurrence) are briefly summarized by the following discussion. The process includes scoping the Remedial Facility Investigation/Remedial Investigation (RFI/RI) Work Plan and Conceptual Site Release Model (CSM), the development of an RFI/RI Work Plan describing the investigation strategy to collect data to assess the nature and extent of the releases, based on the CSM. The results of the assessment of the nature and extent of the release(s) are documented in an RFI/RI Report. The results of the assessment of the current or potential future impact to human health and the environment are documented in the Baseline Risk Assessment (BRA), which is included in the RFI/RI Report. Various remedial alternatives are evaluated using CERCLA's nine criteria and subsequently documented in the Corrective Measures Study/Feasibility Study (CMS/FS) Report. The selection of the preferred alternative, based on the CMS/FS, is briefly summarized in the Statement of Basis/Proposed Plan to support further public input into the process leading to selection of the preferred remedy. The Record of Decision (ROD) and RCRA Permit Modification Decision provides the final documentation of the basis for selection of the remedial alternative and the response to public input. Depending on the scope and complexity of the selected remedy, a number of post-ROD documents are developed to support the design, implementation and completion of the remedy. The key post-ROD Primary Documents include the Corrective/Remedial Action (C/RA) Work Plan (WP), the Corrective Measures/Remedial Design (CM/RD) WP, and the Corrective Measures/Remedial Design Report. The scope and complexity of the operable unit evaluated under this process may allow for streamlining documentation and/or elimination of some entire Primary Documents. For example, proceed with a Statement of Basis/Proposed Plan for a no action unit when the RFI/RI and the BRA Reports confirm no threat to human health or the environment or the combining of the CM/RD WP and the C/RA WP into a Remedial Design/Remedial Action (RD/RA) WP.

### **Comments**

The FFA Implementation Plan's Public Participation section states, "The SRS intent is to begin public participation in the remedial process as early as possible. This would hopefully eliminate public distress late in the remedial process". The SRS CAB believes and supports this statement. One of the very first SRS CAB Recommendations requested involvement as early as the initial screening process (Ref. 2). This early involvement is also echoed in EPA's Public Participation Manual. "Many of the important decisions in a corrective action are made during the site investigation and characterization. Overseeing agencies and facilities should

make all reasonable efforts to provide for early public participation during these phases" (Ref. 3).

The FFA Implementation Plan has not been revised since it was issued in 1996 (over eight years ago). At that time the SRS CAB, in its infancy, decided they did not need to scope all CMS/FS documents. It was stated in the plan that the CAB will decide which documents they want to scope and when. It also stated that SRS and the CAB are reviewing other public participation methods for those CMS/FS documents that the CAB Environmental Restoration (now Facilities Disposition and Site Remediation) committee will not review. Many changes have occurred at SRS and with the CAB over the past eight years. SRS has closed many RCRA/CERCLA Units leaving the more complicated sites to be closed in the next several years. Local stakeholders and the CAB have an interest in being involved with the remedial process, especially as the complexity and costs of remedial actions for these increases. The SRS CAB is also disturbed that their participation as affected stakeholders in the review and comment process for the recent TNX OU cleanup documentation has neither been timely nor sufficient. Public participation had been inadequate because of the system.

### **Recommendation**

The SRS CAB recommends that DOE:

1. Present to the SRS CAB on or before January 25, 2005, and annually thereafter, a list of planned CMS/FS or EE/CA for remedial and removal actions and work with the SRS CAB and stakeholders to identify all sites that warrant early and continued public involvement for the upcoming year.
2. Revise the FFA Implementation Plan to incorporate the revisions to the public participation process based upon SRS CAB and stakeholder input. Present to the SRS CAB on or before January 25, 2005, a timeline to accomplish this revision.

### **References**

1. Savannah River Site Federal Facility Agreement Implementation Plan, WSRC-RP-94-1200, Revision 0, December 18, 1996.
2. Citizens Advisory Board Recommendation No. 2 (adopted January 24, 1995), "Industrial/Residential Land Use Guidelines".
3. 1996 RCRA Public Participation Manual, [www.epa.gov/epaoswer/hazwaste/pubpart/manual.htm](http://www.epa.gov/epaoswer/hazwaste/pubpart/manual.htm)

### **Agency Responses**

Department of Energy-SR