

INVOLVING PEOPLE IN NUCLEAR WASTE CLEANUP: A REGULATING STATE'S PERSPECTIVE

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ABSTRACT

Now in the fourth year of Hanford Federal Facility Agreement and Consent Order (Hanford Tri-Party Agreement) public involvement, public support is questionable, interest varied, while involvement is critical. At the same time, individuals' frustrations may increase because decisions must be made. Public support is moving to a new stage which requires making difficult decisions and trade-offs.

U.S. Department of Energy (USDOE), U.S. Environmental Protection Agency (EPA), and Washington State Department of Ecology (Ecology) are responsible for implementing the Hanford Tri-Party Agreement. The Agreement spells out a 30-year hazardous and chemical waste cleanup and compliance schedule for the Hanford Site, located in southeastern Washington.

The enthusiasm and accolades for the cleanup project are subsiding. Now, the public is insisting that the shirt sleeves be rolled up and the cards on nuclear waste management decisions be laid out on the table. The state regulator for Hanford cleanup and compliance, Ecology, agrees.

Ecology strives to ensure that people are informed and involved with Hanford cleanup and compliance. While, Ecology believes this is also true of USDOE, Ecology sees that USDOE is slow in this transformation. In the past, USDOE was concerned with security and attaining a positive public image. Ecology recognizes a marked change in the transition to a new culture at some levels at Hanford, a culture that is transforming from secrecy to openness.

To achieve a safe, efficient, and timely Hanford cleanup, people need to be involved in the decision making process before decisions are made. Some of the primary reasons for public involvement are described as follows.

- The public's involvement enhances credibility in the cleanup process. With the public involved in the decision making at Hanford, people are more responsible for ensuring that cleanup is achieved successfully.
- Better decisions are made if the public is involved early, frequently, and regularly.
- Continued public support in the cleanup process lends to a continued ability to secure resources necessary for cleanup.
- If communities and groups are not informed or involved in the process they have reasons to cast doubt and criticism about the process. Also, people, who are not involved with the decisions, could ultimately stop the process.

Progress is being made toward informing and involving people. The elements and ideas of conducting public involvement are not novel; it requires trust and confidence in the agencies soliciting public involvement. According to the Hanford Tri-Party Agreement, USDOE, EPA, and Ecology are responsible for involving the public with Hanford cleanup.

INTRODUCTION

This paper provides Washington State Department of Ecology's (Ecology) perspective about Hanford cleanup public information and involvement. To begin, the past public participation at one of the nation's most polluted former federal nuclear production facilities is examined. Then, the evolution of public involvement, beginning with the environmental cleanup and restoration directed by the Hanford Federal Facility Agreement and Consent Order (Hanford Tri-Party Agreement), is illustrated. Also, goals for informing and involving the public are explained. Then, a closer look at Ecology's perspective and opinions about public information and involvement are discussed. The final section of this paper presents methods for informing and involving people.

A LOOK BACK AT HANFORD PUBLIC PARTICIPATION

For more than 40 years, the mission at the Hanford Site, located in southeastern Washington, was to produce nuclear weapons materials. For equally as long, the mission of the U.S. Government, owner and operator of the former nuclear production facility, was to keep Site operations out of the public eye.

This clandestine attitude, still somewhat present today, was to keep the nuclear production facility a secret for national security reasons (1).

From the 1940s through the 1980s, the U.S. Government provided the public with approved information pieces. Public relations spokespeople disseminated information through the media. Opportunities for the public to speak directly with Hanford workers or the U.S. Government's Hanford Site

operators did not exist. For the most part American citizens accepted this form of communication.

During the 1970s, the USDOE assured communities near nuclear production facilities that their health and safety were being protected. However, as people became aware of environmental problems at nuclear defense facilities, many people in surrounding communities lost faith in USDOE and became angry.

In the 1980s, when U.S. Department Of Energy (USDOE) was siting a high level nuclear waste repository, Hanford was forced to open its doors to the public. During that time, USDOE was compelled to discuss the magnitude of nuclear waste that was produced as a result of the nation's nuclear defense production.

In 1986, for the first time the U.S. Government admitted that potentially harmful quantities of radioactive materials released into the air and water at Hanford reached people off-site. When USDOE released documents that revealed that northwest citizens were exposed to radioactive releases, people were angered by what they called past lies from USDOE. As a result, people felt betrayed by their government, because it didn't protect their environment, health, and safety. Now, people are wary and distrustful of USDOE's commitment to cleaning up Hanford.

By 1989, USDOE's Hanford mission changed from production to environmental cleanup and restoration. By then, people no longer accepted the communication of approved information via the news media. People began not only to call for the direct dissemination of information about environmental problems, but in addition, opportunities to be involved in Hanford cleanup decisions.

This shift in communication, from a closed society at Hanford to an open and involved organization, has been difficult for a variety of reasons.

- Workers, like at any production company with a mission change, require time to adapt to cultural changes.
- Scientists and engineers are typically resistant to involve the public in technical decision making. Also, it is often difficult for nuclear scientists to communicate necessary information in lay terms to people.
- The public gives USDOE low marks for warranting public trust and confidence (2).
- USDOE officials frequently exhibit a "that was then, this is now" attitude and are angered when people point to the federal governments' past appalling environmental and safety record (3).

When Hanford shifted from a nuclear defense production to an environmental cleanup mission, it was forced to inform and involve the public. The 1980s marked the beginning of the process of telling people about the decades of environmental scars that the legacy of Hanford created. The next step was to involve the public in decisions about stopping the environmental damage and cleaning up the site.

EVOLUTION OF PUBLIC INVOLVEMENT AT HANFORD

When USDOE, the Environmental Protection Agency (EPA), and Ecology, on behalf of the state of Washington, signed the Hanford Tri-Party Agreement in 1989, another sharp shift in communicating with the public occurred. The

Hanford Tri-Party Agreement calls for informing and involving the public in cleanup.

The Hanford Tri-Party Agreement is one of the most comprehensive and legally binding environmental cleanup documents, for a federal facility, in the nation. The document directs cleanup and compliance for Hanford's current waste operations and past practice sites. Three major environmental laws make up the Agreement: the Resource Conservation and Recovery Act (RCRA); the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); and Washington's Hazardous Waste Management Act. USDOE is responsible for implementing Hanford cleanup. EPA is primarily responsible for regulating the past practice or CERCLA cleanup sites. Ecology is primarily responsible for regulating the current waste operations or RCRA cleanup sites. Hanford Tri-Party Agreement cleanup and compliance are projected to be completed during a 30-year cleanup schedule and cost estimates run as high as \$50 billion.

Prior to the signing of the Hanford Tri-Party Agreement, USDOE directed Hanford public information. During the past four years, Hanford cleanup public information and involvement have evolved. Ecology's increasing influence and participation in Hanford cleanup public involvement is one element directing that evolutionary process. Other elements include communications with the public expressing what and how they want to be involved and USDOE and EPA's recognition that the public must be involved in the process.

When the Hanford Tri-Party Agreement was developed, the amount of public information and involvement needs were unknown. As the magnitude of the cleanup process is revealed, public requests for involvement and information are increasing. As this evolutionary process describes, the Hanford Tri-Party Agreement agencies are attempting to respond to those increased needs.

Public Relations

Following the signing of the Hanford Tri-Party Agreement, the public criticized USDOE, EPA, and Ecology for only discussing positive activities cloaked in public relations words and actions. Citizens criticized this form of public involvement, labeling it public relations.

Regardless of the criticism that people were informed about Hanford cleanup, rather than involved, the public supported the cleanup effort. The communities involved with creating the Hanford Tri-Party Agreement were encouraged, because for the first time the state of Washington would have clear regulatory oversight authority at Hanford. For a while some of the individuals and organizations, who had been so critical of Hanford, were optimistic that the decades of environmental degradation at Hanford would end, and cleanup would begin. However, soon the public began to criticize USDOE, EPA, and Ecology for conducting public relations, not public involvement.

Hanford Tri-Party Agreement Agencies' Decision Making, Followed by Public Information

In 1991, Hanford Tri-Party Agreement agencies negotiated and made proposed decisions about approximately two dozen cleanup schedules, then informed the public. This form of public involvement, after the decision making, was an effort by the agencies to involve the public. However, one of the strongest public criticisms was concern

that the public was involved after the agencies made decisions (4). Citizens felt that by the time they were involved, the agencies were unwilling to make alterations to the proposed changes. This step in public involvement did not measure up to truly involving the public, merely informing them about decisions being made.

Responding to the Public

Hanford is under intense scrutiny. Public suspicion and scrutiny, of past USDOE nuclear waste management and operations, continue to heighten the need for efficient and effective cleanup efforts. The downside of this scrutiny is that USDOE has a history of not responding to it.

According to the Hanford Tri-Party Agreement, if a significant change to the Agreement is proposed, the public has an opportunity to comment. The Hanford Tri-Party Agreement directs a 45-day public comment period with an opportunity for citizens to submit written comments. Also, the agencies may conduct public meetings to talk with communities and get their comments on the proposed changes. If a public meeting is conducted, public comments are audio recorded and transcribed.

In 1992, the agencies negotiated changes to schedules directing the reduction, treatment, and cessation of Hanford's wastewater discharges. The Hanford Tri-Party Agreement did not require the agencies to respond to public comments. Therefore, USDOE, EPA, and Ecology developed such a mechanism. Individuals wanted to know how the agencies were using their comments, and if the agencies did not incorporate public comments into cleanup decisions, why.

The agencies took considerable effort to thoroughly summarize and respond to public comments. Individuals have stated that the response to comments was a good step toward being responsive. However, this step also fell short of directly involving the public in decision making, because again the agencies were criticized for asking the public to comment on completed decisions or done deals.

Involving the Involved Public

Currently, to make public involvement more effective and efficient, the Hanford Tri-Party Agreement agencies are updating the 1990 Community Relations Plan for the Agreement. Initial discussions with the involved public, people stated they needed earlier public involvement. As previously described, the current Hanford Tri-Party Agreement public comment process calls for public comment as one of the last steps before decisions are final.

In an effort to involve the public earlier, Ecology, along with USDOE and EPA, are proposing to restructure the Hanford Tri-Party Agreement public comment process. The restructuring would require USDOE, EPA, and Ecology to inform the involved public about proposed changes to the Agreement as one of the first steps in the decision making process. The restructuring would also require the Hanford Tri-Party Agreement agencies to not only inform the involved public of proposed changes, but solicit their input.

Ecology believes this form of early public involvement will provide individuals with an opportunity to be involved in cleanup decisions, rather than observing and criticizing the decisions being made.

In 1993, the agencies are facing more changes in the 30-year cleanup agreement. Most of the anticipated changes impact the cleanup of Hanford's 60 million gallons of

radioactive chemically hazardous wastes stored in underground storage tanks. Already, Ecology is providing information about the proposed cleanup changes to some of the involved public. Ecology is exercising its conviction that involving the public early in the decision making process is necessary to provide credibility and create openness in the process.

The evolution of Hanford cleanup public involvement is a maturing process. The maturing process is experiencing growing pains for USDOE, EPA, Ecology, and the public. However, Ecology believes the end result of the evolving public involvement process will effect a successful cleanup.

GOALS FOR SUCCESSFUL PUBLIC INVOLVEMENT

The goals for achieving successful public involvement include the following.

- The public's involvement enhances credibility in the cleanup process.
- Better decisions are made if the public is involved early, frequently, and regularly.
- Continued public support in the cleanup process lends to a continued ability to secure resources necessary for cleanup.
- If communities and groups are not informed or involved in the process they could ultimately stop the process.

Enhance Credibility

Involving the public in Hanford cleanup enhances credibility in the process. Most Hanford Tri-Party Agreement public involvement activities include Ecology, USDOE, and EPA. Surveys and advisory councils, convened by USDOE, conclude that the public does not trust USDOE. This conclusion concerns Ecology. Ecology does not want USDOE's poor credibility to subtract from the strong credibility necessary to establish and maintain an open process. However, Ecology applauds segments of USDOE which are attempting to take steps away from their past secretive culture toward involving the public. Actions that the agencies take to enhance their individual credibility or that of the cleanup process are positive steps towards successful public involvement.

Getting people involved in Hanford cleanup decisions will make them a part of those decisions. The involved public will then be responsible for ensuring that efficient cleanup takes place. Also, with the public on the inside versus the outside of decision making, credibility in the process will be strengthened.

Involve the Public Early for Better Decision Making

As previously discussed, in order to involve individuals with Hanford cleanup, the public must be involved before decisions are made, at the pre-decisional, information gathering, multiple options stage. Individuals must be involved in the process early, frequently, and regularly.

Progress on cleanup ultimately involves making decisions based on risk, health, safety, technical, environmental, and economic factors. The public, at a broad level, needs to participate in shaping those criteria and be involved in discussions of how societal values are incorporated in cleanup decisions. In general, the decisions people need to be

involved in are value decisions which can be used to set criteria as guidance in making technical decisions.

Public Support Necessary to Ensure Resources for Cleanup

Public support should assist in the ability to secure and sustain necessary resources for cleanup--both in dollars and qualified personnel. Environmental restoration is not cheap. In 1993, the price tag for Hanford's environmental restoration and waste management is expected to be \$1.328 billion, according to Hanford's budget. Tax payers want to know how their dollars are being spent and they want a return on those dollars. The public must be informed about the billions being spent on Hanford cleanup.

If the Public is not Involved, Cleanup Could Come to a Halt

If the public is on the outside, looking into the decisions after they are made, people will continue to question and criticize those decisions. The basic premise for that criticism could be that people are neither informed or involved in the process. Also, if people are not involved, they may stop cleanup, by taking cleanup issues from the contaminated site into the court room. Low public confidence in cleanup may also jeopardize continued Congressional support.

To summarize this evolutionary process, enhancing credibility in Hanford cleanup and involving people earlier for better decisions is essential. Also, involving the public is important for ensuring continued abilities to secure resources for cleanup. If the public is not involved, cleanup could be stopped.

ECOLOGY'S PERSPECTIVE ON HANFORD PUBLIC INVOLVEMENT

Ecology wants to inform and involve the public, so people are able to make informed opinions about cleanup. People need to be informed, ask questions, scrutinize, criticize, and if appropriate support Hanford cleanup.

A prime example of how cleanup concerns lead to public requests for information and involvement are public concerns about leaks of radioactive materials from Hanford's underground storage tanks into the soil. Increased information about the Hanford tank operations is resulting in heightened calls for people to be involved in Hanford decisions. USDOE estimates one million gallons of contaminated liquids are known or suspected of leaking out of Hanford's tanks into the ground.

Ecology believes there are basically two sets of individuals that need and want to be informed and involved with Hanford cleanup:

- General Public
- Involved Public

The general public is composed of individuals who want to be informed about Hanford cleanup. The general public *wants information* about environmental or human health risks and accountable uses of the billions of dollars being spent on Hanford cleanup. The general public may receive information about Hanford cleanup through the media, direct mail from USDOE, EPA, Ecology, or other interested parties. The general public seldom voices an opinion about Hanford cleanup in officially organized processes. The general public looks to others to actively participate in decision making.

The involved public is made up of individuals or organizations who are self identified, or identified by the

agencies responsible for Hanford cleanup, as actively following detailed aspects of cleanup. The involved public wants to be involved with Hanford cleanup decisions. The involved public generally attends and participates in public forums and will frequently voice opinions. Some involved public seek detailed documents and information. Also, the involved public is often technically knowledgeable. These individuals and organizations range from Hanford area community leaders, public interest groups, state government representatives, Native Americans, scientific and technical cleanup experts, and environmental organizations.

Admittedly, there are, and need to be, more groups and individuals informed and involved with Hanford cleanup. However, first the general public and involved public must be successfully informed or involved. In the future, *other groups* or individuals who need to be involved may include the citizens, who have little or no knowledge about Hanford cleanup, and children, grades kindergarten through 12th grade.

Regulators need to Maintain Strong Independence

As a regulator, Ecology must maintain an arms length of independence from USDOE. Ecology and EPA are the two regulators of the Hanford Tri-Party Agreement, therefore their work is often more of a partnership. Ecology encourages EPA and USDOE to act independently, as well as with the Hanford Tri-Party Agreement agencies, when informing and involving the public in Hanford cleanup.

As the state of Washington's representative responsible for ensuring that Hanford is cleaned up and brought into compliance with environmental laws, it is imperative that Ecology involve the public. It is both Ecology's role as a regulator of environmental laws and a representative for the citizens of Washington that Ecology strives to ensure public participation.

Some of the involved public have told Ecology that it is necessary and important to hear from the Hanford Tri-Party Agreement agencies separately. Another reason is that some of the involved public believe USDOE, EPA, and Ecology often present a unified position, without clearly differentiating between the regulators and the organization being regulated. To establish and maintain credibility in the cleanup process, each agency should speak openly and critically, if necessary, about differences of opinion and subsequent resolution.

METHODS OF INFORMING AND INVOLVING THE PUBLIC

To inform and involve both the general public and involved public, USDOE, EPA, and Ecology, together and separately, conduct a variety of activities. In general, the activities are targeted for a specific audience, either the public or involved public. Ecology strives to provide people information about environmental risks, cleanup, and how citizens' tax dollars are being spent. With that information, the public should have better opportunities to make informed opinions.

Following is a non-prioritized listing of some of the public information/involvement activities Ecology currently employs, and some which are planned for the future.

- Various media relations activities
- Public opinion polls show media is the number one source for Hanford cleanup information. Nearly

90% of those surveyed, in a Hanford Tri-Party Agreement agencies' commissioned public opinion survey, reported the media is their primary source for Hanford cleanup information (5).

- Editorial boards
- News releases
- Focus papers
- Newsletters
- Radio and television public service announcements
- Public meetings
- Public comment periods
- Hanford cleanup toll free line

Listed below are some public information/involvement activities Ecology currently implements, and plans to implement in the future, to encourage the participation of the involved public.

- Ask the involved public how they want to be involved.
- Inform the Washington Nuclear Waste Advisory Council (an advisory council to Ecology) about Hanford cleanup.
- Conduct public information gathering meetings with the Nuclear Waste Advisory Council.
 - Ask the Nuclear Waste Advisory Council to advise Ecology on public policy and involvement decisions.
- Informally talk with involved public.
- Provide involved public with access to technical documents and staff.
- Meet on a regular basis with the Hanford Public Interest Groups and Washington State Department of Health representatives to discuss issues they want to discuss.
- Provide early information about decisions being made at Hanford, via informal communications or direct mail notification.
- Meet individually with interest groups, Native Americans, and state of Oregon representatives to discuss specific Hanford cleanup issues.
- Meet on a periodic basis with Native American representatives.
- Develop informal work groups with involved public on specific cleanup issues.
- Conduct Hanford Site Tours.

Building Coalitions

While encouraging public participation in the decision making at Hanford, Ecology strives for coalition building. Ecology's goal is to create an alliance with the involved public, working toward the shared goal of producing a safe, efficient, and timely cleanup of Hanford.

One method of coalition building is the Washington Nuclear Waste Advisory Council. The Washington state legislature established the Nuclear Waste Advisory Council in 1983 (and revised their charter in 1989). The Council advises Ecology on nuclear waste issues. Specifically, the 19-member council advises Ecology on nuclear waste public policy and involvement issues. The council is made up of ten

citizens appointed by the Governor of Washington, a Yakima Indian Nation representative, and eight legislators.

In 1992, the governor appointed eight new citizen members to the Council and the Washington legislature is appointing eight legislators. Hanford public interest groups, Tri-Cities area community leaders, and other technical, and public policy and involvement experts are members of the Council. These individuals represent organizations which are highly interested and involved with Hanford cleanup. The citizen make up of the Council is ideal for coalition building, based upon informed decision making.

Another form of coalition building Ecology is examining is developing issue-specific working groups. Ecology is considering creating working groups with Washington Nuclear Waste Advisory Council members as a base. Other members of the working group may include involved public; technical, public, or policy experts; and Ecology staff. Working groups would be established to evaluate specific issues and develop decision criteria, consider societal values, and recommend actions about a particular issue. Individually, or as a group, the working group would inform individuals in their communities of the issue, while asking for the public's input.

A variety of public information and involvement activities are employed by the Hanford Tri-Party Agreement agencies, together and separately. Ecology believes that building coalitions to study, evaluate, and make recommendations on specific cleanup issues is an effective method for involving people.

CONCLUSION

Ecology will continue encouraging public participation. Ecology respects public information and involvement as necessary ingredients to accomplish a successful cleanup. Informing and involving people in Hanford cleanup is a top priority for Ecology. The agency is committed to informing the public about Hanford cleanup and compliance and involving people in decision making.

As this paper discussed, for national security reasons, public participation was not a part of Hanford's history. However, since the signing of the Hanford Tri-Party Agreement, public information and involvement are evolving. This evolutionary process includes a recognition by USDOE, EPA, and Ecology that involving the public is essential to successfully achieve Hanford cleanup. Increasing credibility and better decision making are important goals for involving the public. As the representative for the state of Washington, Ecology is committed to informing and involving the public in Hanford cleanup. Building coalitions with informed and involved people is important to achieve successful public involvement.

Cleaning up Hanford is a challenge of immense proportions to be felt across the country. Washington State pledges to do its part to involve the public.

REFERENCES

1. LAURA L. TAYLOR, "Opening Up: Public Involvement in Environmental, Safety, and Health Issues at the DOE Nuclear Weapons Complex," Center for Technology Assessment and Policy, Washington University, St. Louis, Missouri (May 1991)
2. Secretary of Energy Advisory Board, "Draft Final Report of the Secretary of Energy Advisory Board Task Force on

- Radioactive Waste Management," Washington, D.C. (December 1992)
3. Military Production Network, "Facing Reality," (May 1992)
4. U.S. Department of Energy, U.S. Environmental Protection Agency, and Washington State Department of Ecology, "Comments and Responses on Tri-Party Agreement Milestone Changes (and associated written public comments and meeting transcripts)" (September 1992)
5. PAUL T. MELEVIN, "Opinions on Hanford and the Tri-Party Agreement Cleanup: a Telephone Survey," Pullman, WA (June 1991)