

Enhanced Public Participation – A State’s Perspective

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ABSTRACT

An initiative was started in 2004 to enhance public participation across all of the environmental programs within South Carolina Department of Health and Environmental Control (SCDHEC). The initiative originated as a result of public meetings that created distrust of our Agency within the State’s communities. The effort to enhance public participation focused on ways to involve the public more in decisions effecting their health and environment within their communities.

Tools and techniques were created and are now used by SCDHEC and continuously evaluated in the process known as enhanced public participation. Enhanced public participation efforts are required for all significant permitting, environmental cleanup and corrective action activities affecting communities within South Carolina. We recognized that public participation is essential to the ability of the SCDHEC to provide outstanding customer service as well as to establish and maintain trust within the community. This paper will describe the development of the program and the results of the implementation of the enhanced public participation using examples of facilities that manage hazardous wastes, high-level radioactive wastes, low-level radioactive wastes as well as mixed waste.

INTRODUCTION

Environmental Quality Control (EQC) within the South Carolina Department of Health and Environmental Control (SCDHEC) is charged with the protection of human health and environment within the state of South Carolina. EQC is comprised of four Bureaus, Air, Land, Water, and Environmental Services (Regional Offices), which regulate all aspects of our environment. EQC has long been involved in the public participation process. Most programs within SCDHEC have regulations, which prescribe and provide for the public involvement process including but not limited to public meetings, hearings, and comment periods, as well as the ability to appeal decisions for all major permitting and licensing actions undertaken by SCDHEC. For the purpose of this paper, when we say SCDHEC, we are talking specifically about the Environmental Quality Control side of our agency.

While each area of SCDHEC has long had established regulations regarding public involvement, the actual implementation of the process fell short of providing good customer service to the citizens of the state because many feel that staff focused more on the administrative process and not on the needs and requirements of specific communities that were affected by these decisions. To further complicate matters, each of the Bureaus

went about the process in different ways offering little consistency across the programs. There was also a sense within SCDHEC that staff only participate in public meetings to fulfill those specific administrative process requirements rather than actually engage in meaningful dialogue with the public to fully understand their concerns. It is easy to see how the formal layout of a public hearing was frustrating as well as intimidating to citizens who wanted their concerns heard. Additionally, many within the public began to view SCDHEC as siding with regulated industry rather than maintaining a neutral relationship. Even the simple act of carrying on a cordial conversation with the applicant may impact the public's perception as well as staff credibility. Still others believed that decisions regarding their communities were already made prior to the public's involvement and that their concerns were rarely or never heard.

In order to improve its image, SCDHEC recognized the need to change the culture from within. To do this there was a particular need to educate both staff and citizens regarding the exact role of SCDHEC and its authority in the regulatory process. There was also a need to better identify the stakeholders and to collaborate with other agencies and community organizations in the public participation planning process. In order to change the culture from within, we needed staff to seek and engage in meaningful discussions with citizens in the impacted community and fully communicate actions and decisions to citizens of the State who are ultimately affected.

DISCUSSION

Development of Enhanced Public Participation

The previous and historical public participation process focused more on the administrative process in order to meet regulatory requirements. The process was often described by the public as just 'going through the motions.' The perception among the public, press, and politicians was that this cumbersome, and often frustrating, process was designed in such a way as to make it difficult for the public to be heard. In this environment of skepticism and mistrust, many within the community felt that SCDHEC was not doing its job of protecting the environment. In order to improve the perception and communication issues, SCDHEC needed to identify tools and techniques, as well as specific strategies, for each community in order to address their unique needs.

The SCDHEC conducted statewide public forums for the specific purpose of soliciting feedback, direction, and guidance from citizens of the state. For example, SCDHEC representatives regularly attended forums for public involvement in a community neighboring two permitted (hazardous waste) cement kilns. We also participated in meetings with the Citizen's Advisory Board (CAB) regarding issues at the Department of Energy (DOE) Savannah River Site (SRS). At the same time, we addressed environmental justice issues through direction and participation in communities statewide. As a result of these meetings and the feedback provided by these communities, a Taskforce was assembled to identify ways to improve the public participation process and establish our core values.

The Taskforce efforts are presented in Table I. Core Values of Public Participation. These values are now SCDHEC policy and are considered part of our overall goal to provide excellent customer service.

Table I. Core Values of Public Participation

Core Values of Public Participation	
1	Support for public involvement is required from all levels of management and staff
2	Modify staff evaluation forms to reflect employee support of public involvement and evaluate staff performance in this area
3	Establish appropriate training and that the right person is doing the job
4	Separate us from the permit applicant.
5	Communicate using plain language, not bureaucratic jargon
6	Strategically plan all public participation activities to include effective communication strategies at public meetings and other community activities

The Taskforce first defined SCDHEC’s mission regarding customer service in the area of public participation as follows: “to maintain a credible relationship with the public.” Then, in order to accomplish this mission, we established a goal “to increase public participation and involvement while communicating with the public in plain language to build trust and credibility.”

Upper levels of SCDHEC management supported this new initiative. It was clear that, if these efforts were to be successful, all management and staff first needed to recognize the importance of the public’s involvement in our decisions. Everyone then needed to agree that this was an area requiring improvement. Management emphasized the importance of this initiative, and staff evaluations soon reflected these core values. In order to change the culture within SCDHEC, support from all levels of management and staff were required.

The Taskforce requested that each Bureau choose managers and staff that might best address areas of improvement in order to achieve the new core values. These individuals formed the Workgroups from each of the four Bureaus. The main objective of the Workgroups was to contribute ideas and identify areas requiring improvement within each Bureau in order to accomplish its goals and mission. The Workgroups’ recommendation of changes and areas requiring improvement are found in Table II. Specific Areas Identified Requiring Improvement.

Table II. Specific Areas Identified Requiring Improvement

Specific Areas Requiring Improvement	
1	Need for consistency regarding Public Notices
2	Use plain language in both oral and written communication
3	Improve public notice information access to the SCDHEC website
4	Identify all stakeholders who have an interest in the action
5	Engage the public and maintain communication with concerned citizens

6	Establish appropriate training and that the right person is doing the job
7	Evaluate successes and failures in order to learn what works and doesn't work
8	Improve communication amongst the Bureaus regarding overlapping activities
9	Strategically plan all public participation activities to include effective communication strategies at public meetings and other community activities

Development of Tools, Techniques and Strategies

As a result of the Workgroups efforts as well as SCDHEC management support, new tools, techniques and strategies were identified that encourage more effective public input and participation. The Workgroups created guidance documents used for organizing, planning, holding and understanding the results of an effective public meeting. The tools, techniques and strategies incorporated into these guidance documents not only enables our staff to produce meetings and notices which are easier to understand and more informative for the public, it also enables an environment which is more open and conducive to public participation. Through the Bureau Workgroups, the four Bureaus (Air, Land, Water, and Environmental Services) within EQC, share lessons learned, both successes and failures. New techniques have been implemented as well, such as restructuring meeting formats to facilitate interaction. Table III. Tools and Techniques Developed for Enhanced Public Participation represents the mechanisms used by staff to improve communication with the public. These mechanisms for enhanced public participation will be provided in the future to all staff in the form of training. This training is currently being developed.

Table III. Tools and Techniques Developed for Enhanced Public Participation

Tools and Techniques	
1	Introduction to Public Participation Video[1]
2	SCDHEC Public Meeting Feedback Survey[2]
3	Effective Public Notices[3]
4	EQC Public Meeting Guide[4]
5	Key Points for Communicating with the Public – Techniques to Share Information[5]
6	Identifying Stakeholders Guide[6]
7	Updated website for public notices offering consistency across Bureaus http://www.scdhec.gov/environment/admin/htm/eqpubnot.htm [7]
8	Intranet Calendar
9	Evaluating Public Participation Strategies and Activities - Debriefing Guide[8]

The SCDHEC realized that our technical staff, hired for their ability to review and evaluate technical documents and issues (typically involving complex science and engineering principals), often lacked the training to deal with the public. They were also ill prepared to deal with the volatile issues that may arise.

A four minute long video was produced entitled *Introduction to Public Participation*, in order to promote SCDHEC's new value. It was developed to inform staff of the

importance of public perception in their day-to-day interactions with the public. The video was kept short in order to keep the interest of the viewer and so that it can easily be incorporated into other, more extensive, training, meetings, conferences, and events. This video is required viewing for all staff. However, all technical staff, even with training, do not possess the interpersonal skills required to deal with the public. It is important to identify individuals who possess these skills and who are comfortable communicating with the public to conduct meetings, answer questions, etc. We need to use the talents of the right person rather than, for example, force a project manager to do a job he or she is uncomfortable doing.

In order to ensure the success of SCDHEC's goals and to accomplish its mission, there needed to be a way to objectively determine how citizens perceived our efforts. One Workgroup created *SCDHEC Public Meeting Feedback Survey* form in order to measure the success of our goals. This form is provided to citizens at all public meetings and is used to determine how effective we were in disseminating information and explaining that information in a way that works best for each community. The data collected from the form is input into a database. The database is used to track feedback from the public and the results generated to determine how we can better provide more meaningful community involvement to meet each community's specific needs. This database is accessible to all of the Workgroups and staff and the results are used to evaluate and debrief staff regarding how effective a particular meeting was for that community and how the format might be improved for future meetings.

Effective Public Notices is a guidance document that was created to assist staff in writing public notices for postings, newspaper ads and handouts. This is used by staff as a guide to create public notices that are simple, understandable, accurate and written in a format that is easy for citizens to comprehend. The document gives helpful hints for writing public notices such as targeting the 6th grade education level and standardizing the information to make it consistent across SCDHEC. The guidance document also includes several examples of public notices, and other documents including adjacent landowner notification, summary report, posting, fact sheet, and public hearing notice.

From the completed *Public Meeting Feedback Survey* forms we discovered that, by far, most citizens who answered the form found out about the public meeting by word of mouth, not from letters sent to adjacent landowners, public notices, news papers, radio or TV ads placed by SCDHEC or the facility. This is a very important realization, because it is telling of the quality of information that citizens receive. If individuals are receiving information second hand, that information tends to be polarized to the views of the individual providing it. It may seem, since most find out by word of mouth, that public notices are not as important, however, this realization makes it even more crucial to prepare our public notices and presentation material as simply, understandably and accurately as possible the first time in order to clearly communicate the actions at hand. It is just as important to identify all stakeholders and provide this information directly to them.

The *EQC Public Meeting Guide* was developed to assist staff by providing new ideas and

concepts for planning, organizing, notifying, and holding public meetings as well as post-meeting debriefing of staff. Simply realizing that all staff do not possess the interpersonal skills required to address and answer questions from the public, media and politicians, choosing the right person for the job can be crucial.

A major shift from past public involvement practices include holding internal planning meetings as well as public and informal meetings with stakeholders early in the regulatory determination process where public input remains more flexible. Follow up meetings with the public are also offered after a final decision is issued. It is also important to identify and learn about the concerns of stakeholders, citizens and leaders within the community. Since we realize that individuals are receiving information second hand and that word of mouth is the main way information is transmitted in a community, we can get it right the first time by being proactive and getting the community involved earlier in the process and allowing this process to work for us. For example, it may be wise to hold a public meeting, or an informal meeting with concerned citizens, or local community leaders, well in advance of a public notice for a regulatory determination in order to get accurate information to the community regarding an upcoming issue. It may even be beneficial to involve the community in determining the meeting, time and format. During the meeting, you may still have to dispel potential misunderstandings and misinterpretations resulting from media and political bias, as well as second hand information, but it is far better to be proactive and provide accurate information early in the process.

Another shift is to restructure the meeting format to facilitate interaction with the public. Meeting location, time of day, time of year and structure are critically important to facilitate a meeting that is effective for all in attendance. Previous public meetings were conducted in a hearing format simply provided an opportunity for SCDHEC to announce its regulatory determination to the public and allowed the public to come one by one to a podium to air their concerns, often limited by time. Answers were rarely provided by SCDHEC verbally at these meetings and were instead answered at a later date in writing.

The new format offers an informal question and answer session held prior to the meeting as well as after the formal presentation, with various manned stations, which include maps, drawings, and other information to help explain the issue. These informal sessions are often held in the lobby or reception area to meet and greet individuals as they arrive. Not only does this help provide an excellent opportunity to create dialogue with citizens, it also provides excellent customer service by learning and understanding their fears and concerns as well as answering questions in an informal way, since many members of the public do not feel comfortable speaking in front of a crowd. It is also beneficial to the speaker and others who might answer questions during the more formal presentation. Lastly, this strategy also acts to diffuse potentially volatile issues before the formal presentation. It is important to realize that all people want their concerns heard and it is important for the regulatory agency and facility to listen to the public when making regulatory decisions. It is also worthwhile for the SCDHEC, citizens and facility to compromise on issues in order to promote goodwill within the community. A facility can be seen as a good neighbor within the community by simply going beyond what is

required by regulation. Just because something is not required does not mean that it is not appropriate in some situations. It is also important, when their requests are not met, to explain to the public why their concerns or requests cannot be accommodated. It is unacceptable to simply say what they are asking for is not required by regulation.

Key Points for Communicating with the Public provides guidance and lists tools and techniques for many aspects and alternatives for public participation within the community. This document is a quick reference which defines and addresses many areas to consider in the process including the following: printed information, advertisements, availability session, open house, press releases, briefings, contact/spokesperson, community facilitators, interviews with stakeholders, tours, home meetings, public hearings, small format meetings, advisory committees, task forces, panels, workshops. The document encourages staff to think through the various aspects required for public participation and gives pointers on how to be most effective in each area. It also provides the reader with insight into what can go right and what can go wrong for each alternative.

Another document was created to identify individuals and groups within the community who might be interested in a specific issue or action. The document entitled *Identifying Stakeholders Guide* provides a detailed view of individuals that should be sought to involve in the process and where to begin to look. The document goes further to assist in identifying organized groups and individuals who might be interested in the potential impacts at hand as well as any other, seemingly unrelated controversy, that might impact the current issue, any groups that may be especially hard to reach, as well as groups and individuals that may not typically be thought of as being part of the public. The document reiterates the need to build relationships with stakeholders with the understanding that this process takes time. During these times it is especially important not to promise that which you are unwilling to or cannot deliver. It is far better to, instead, communicate the regulatory or SCDHEC limitations.

SCDHEC now uses electronic communication on the SCDHEC website to post information regarding meetings with the public such as, public notices, public meetings, and public hearings. This website address is <http://www.scdhec.gov/environment/admin/htm/eqpubnot.htm> [7]. The website provides this information for each Bureau (Air, Land and Water). Pertinent information regarding the public notice such as the county, facility, and program area are likewise provided within each notice under each Bureau. Posting this information on website allows the public a way to conveniently view all notices of SCDHEC across the various Bureaus on one website.

The Workgroups established an intranet electronic calendar to communicate internally and is updated and maintained by staff. We now use this electronic calendar to post and locate information regarding public participation such as, public notices of comment periods, public meetings, and public hearings, etc. These postings are placed on the intranet and the information is available for all internal staff. Often issues surrounding one facility might involve programs within the same Bureau as well as across the four Bureaus (Air, Land, Water, and Environmental Services). Posting this information on an

internal calendar allows staff with overlapping facilities and concerns regarding permitting, licensing and corrective action to get a complete picture of goings on at their facility.

Evaluating Public Participation Strategies and Activities, Debriefing Guide was created to provide staff guidance in understanding the successes and failures during public meetings. Through evaluation, we can determine the degree to which planned activities provided input and helped the Department make more effective decisions. After a meeting, a debriefing or recapping session is helpful in determining whether objectives were met. All managers and staff involved in the meeting should attend to discuss the outcome of the meeting. In order to determine the success of the meeting the guidance document stresses the need to evaluate several key objectives, such as the need to determine if meeting met the core values of the public participation. Since preparation is important to create an effective meeting, the plan should be followed as closely as possible. It is understood, however, that modifications are often required to conduct an effective meeting. Also reviewed are contacts, facilities, materials, attendance, leadership and facilitation, group dynamics and the media. The *Public Meeting Feedback Survey* form is especially helpful to determine how effective the meeting was for providing information to the individual and community. Ultimately, the goal is to determine if the meeting accomplished the intended purpose.

Implementation and Lessons Learned Regarding Enhanced Public Participation

The following will describe some of the results of the implementation of the enhanced public participation using examples of facilities that manage high-level radioactive waste, low-level radioactive waste, hazardous waste, mixed TRU waste as well as an update on Nuclear Power Stations operating in South Carolina. Some of the public participation efforts at these facilities have been more successful than others. SCDHEC sees each and every opportunity to involve the public, whether successful or not, to be a learning experience for staff. By using the tools, techniques and strategies developed by the Workgroups we are better able to understand how we might improve future interactions.

High-Level Radioactive Waste - In 1997 Department of Energy (DOE) at Savannah River Site (SRS) closed two high-level radioactive waste tanks – Tanks 17 and 20. The closure plans for the two high-level waste tanks required the removal of liquid high-level waste to the extent practicable and that any remaining waste within the two tanks be solidified in place with a grout mixture. DOE's position was that the remaining waste and the resulting waste form, due to the relatively low percentage of liquid high-level waste compared to the amount of grout, should not be considered high-level radioactive waste requiring disposal in a Federal geologic repository. The Nuclear Regulatory Commission (NRC), in a non-regulatory role, provided consultation in order to assist DOE in making a determination. However, the NRC never provided a written determination to DOE in this regard. SCDHEC approved of the closure and DOE proceeded by grouting the two tanks. Later, the National Resource Defense Council (NRDC) filed suit against DOE regarding their interpretation, essentially, that DOE could not carve out the residual waste left within the tanks to call it low level radioactive waste.

South Carolina Senator Lindsey Graham subsequently authored an amendment to the 2005 National Defense Authorization Act, which stated that for any residuals left in place at SRS, DOE must remove as much as possible. It went further to say that DOE must consult with NRC regarding any decisions made, such as an approved closure plan or permit involving high-level waste left in place at SRS. The Act never stated how long this process would take and never stated this work must be approved. The Act clarified the regulatory position that any work performed needed to be under a closure or permit and that all decisions must go through the public participation process. DOE and SCDHEC public notices all residual waste determinations. The NRC, likewise, holds a meeting regarding the determination. These are public noticed as well and the public is invited to attend. It is rare that a decision of any type would be public noticed by three agencies. Essentially, the whole process is blanketed thrice over with opportunity for public comment.

DOE is presently working with the NRC and the State to close high-level waste tanks 18 and 19 in a similar manner to tanks 17 and 20. In March of 2006, DOE requested an extension to the closure schedules in the Federal Facility Agreement (FFA) for High-Level Waste Tanks 18 and 19. SCDHEC did not concur with the extension request and DOE invoked dispute resolution under the FFA. A central issue for SCDHEC in this resolution involves the timeliness for NRC consultation as part of the tank closure process. SCDHEC believes that DOE should conduct their consultation with the NRC on a schedule that supports rather than jeopardizes the FFA tank closure schedules. The dispute resolution between DOE and SCDHEC was resolved in November of 2007. The Resolution provided schedule for completing work at DOE/SRS, which was signed by SCDHEC, EPA and DOE representatives. The resolution also removed DOE's ability to raise dispute under FFA if they do not finish consultation with the NRC on time.

The Citizen's Advisory Board (CAB) is comprised of concerned members of the public, who have an interest in SRS, the Savannah River and local communities from the surrounding area. The CAB is updated on a regular basis regarding tank closure schedules by the State's Federal Facility Liaison, who stresses the importance of adhering to closure schedules at SRS. The CAB also recognizes the need to progress with removal of as much waste as possible. Additionally, in an independent review, the National Academy of Science agreed with the Department of Energy, that it is impossible to remove all waste from the high-level waste tanks.

Some environmental groups, however, want more studies regarding the issue. Some environmental groups argue that they do not want "one atom" of high-level radioactive waste to be disposed of in tanks and will likely appeal any closure decision that involves leaving any waste in place. This situation may have been avoided if there had been a proactive approach earlier in the process (in 1997). Today we actively involve and solicit the assistance and input of the stakeholders regarding reclassification of high-level waste and evaluations of the practical limitations of waste removal from the high-level waste tanks. Sharing all of the information we have regarding the high level waste tanks builds trust and improves the relationships with the public.

Saltstone - Saltstone Disposal Facility has been in place at Savannah River Site since the 1980's, however, in 2006 the permit for Saltstone was modified. With the recent modification there was more interest and community involvement. During the public comment period, several environmental groups had opposed the permit modification. NRDC asked about cracks in the disposal units. DOE and the SCDHEC Federal Facility Liaison updated the CAB regularly at its meetings. The CAB and many other members of the public who were kept informed were in support of the modification and commented in favor of the permit. Likewise, the Governors Nuclear Advisory Council was in favor of the permit modification. Even with all of the public notices and public involvement some members of the public, however, stated they were not informed and considered Saltstone "a new issue." Due to requests from the public the comment period was extended. DOE held a public meeting in 2005. The NRC also held a public meeting in 2005. SCDHEC held a public meeting in 2006. SCDHEC also met independently with several citizens to provide information and to hear concerns. The final permit decision was issued in 2007, after two years of public notice activities.

The permit was appealed early in 2007 by several environmental groups including the Sierra Club, Environmental Inc., Blueridge Environmental Defense Council, NRDC, involved etc. A Settlement Agreement between DOE and the environmental groups was reached prior to a hearing taking place. Based on the Settlement Agreement, DOE was required to be more forthcoming and provide more information and access to the public regarding Saltstone. DOE was required to post updated information regarding the facility on its website. They were also required to send information as it is updated to the environmental groups, and citizens. However, nothing changed in the permit. In the end, the environmental groups settled for being more informed. This settlement agreement supports the concept of involving all of the stakeholders early in the process.

Hazardous Wastes - The Pinewood Site was a hazardous waste disposal landfill previously operated by Safety-Kleen from 1978 to 2000, receiving hazardous waste from across the country. Prior to 1978, the site operated as an opaline claystone mine (kitty-litter). During its years of operation as a hazardous waste landfill, many stakeholders were involved in issues, often contentious, surrounding the operation of the facility. In 2000 Safety-Kleen Pinewood was bankrupt.

In 2003, after three years in bankruptcy court, SCDHEC obtained an agreement from Safety-Kleen and its creditors to provide funds for closure and post-closure care for a period of 102 years. The Pinewood Site Custodial Trust Fund and The New Environmental Impairment Trust Fund were established to complete closure of the site and provide post-closure care. Since 2003, SCDHEC has worked closely with the Site Trustee completing the required closure activities as well as post closure requirements at the site. In late 2006 SCDHEC representatives held a meeting with stakeholders including environmental groups, other state agencies and local representatives who were involved in the site over the years. The meeting was held to inform them of the status of the site and closure activities since 2003 when the bankruptcy process ended.

In early 2007, SCDHEC public noticed the final construction of the remedy, which was part of site closure. The first flush basin was the remedy constructed with two primary functions in mind: to intercept contaminated groundwater as a result of previous opaline claystone mining operations and to collect stormwater run off from the site. A public meeting was held to inform the local community about the remedy and to answer any questions and concerns that the public may have. Individuals were allowed to ask questions of our staff in an informal setting prior to the meeting, where they could ask questions one on one. The formal presentation provided the information, in plain language, to the public in a way they could easily understand. Most were satisfied that SCDHEC answered their questions and concerns.

The public meeting was a success in part due to the meeting with stakeholders late in 2006. Most of the individuals in attendance were considered leaders of their community and environmental groups and had already had their questions answered during the stakeholder meeting. Due to the proactive approach chosen by SCDHEC, inviting the stakeholders and presenting the information regarding the current situation of the site, these groups had a better comfort level regarding the current status of the site. These individuals took this comfort level back to their community. Involving stakeholders early, and seeking their input in the process, was a key to the successful implementation of the final remedy decision.

Mixed TRU Waste - The legacy mixed Transuranic Waste Pads were under interim status until 2006 when the Agency permitted (TRU Pads) 3-6, 14-19, and 26 at Savannah River Site (SRS). The public was involved during this permitting process. Individuals and environmental groups were invited to provide comments during the comment period as well as attend the public hearing. This included members of the Citizen's Advisory Board (CAB), which is comprised of concerned members of the public, who have an interest in SRS, the Savannah River and local communities from the surrounding area. Prior to the comment period and public hearing, the CAB met regularly and all citizens and environmental groups were invited to attend. The Department of Energy (DOE) as well as the State representatives updated the CAB regularly at these meetings.

Because of the proactive steps taken by the Agency and DOE to update and inform all of the stakeholders that attend the CAB meetings at the beginning, and throughout the process, accurate information was received by the public regarding the permitting of the TRU Pads and the State's agreement with SRS in the Site Treatment Plan (STP). The Site Treatment Plan requires DOE to devise a plan for developing treatment capacities and technologies to treat mixed waste. Everyone agreed that the best solution to protect human health and environment was to permit the waste currently found on the TRU Pads. We received no comments from citizens or environmental groups objecting to the permitting of TRU Waste on the Pads. These groups included regional and national environmental groups such as Blueridge Environmental Defense Council, National Resource Defense Council, Sierra Club and others. Likewise, we did not receive any objections from the CAB.

DOE continues to remain proactive by providing updates at all CAB meetings. The

State's Federal Facilities Liaison, likewise, has continued to address the budget for the future and progress of TRU program in order to foster continued support regarding shipments of waste from SRS to the Waste Isolation Pilot Plant (WIPP) facility located in Carlsbad, New Mexico.

Low Level Radioactive Waste - The Barnwell Low-level Radioactive Waste Disposal Facility is operated by Chem-Nuclear Systems (an Energy Solutions company) and located adjacent to the Savannah River Site (SRS) and the former Barnwell Nuclear Fuel Recycling Plant. The radioactive materials license was up for renewal in 2000 and was under timely renewal. In late 2003, SCDHEC announced a public comment period and based on significant public interest held a public hearing on the matter. We even extended the comment period based on a request from the public and also met informally with representatives of several environmental groups to answer questions and concerns. Many questions and comments were received during the comment period. We reviewed, answered and responded to all questions and comments and moved forward with issuing the license renewal in early 2004. Several environmental groups appealed the license in 2004 and our decision to renew the license was upheld by the SCDHEC Board. In 2007, the State Supreme Court decided to refer the case to the South Carolina Court of Appeals.

The decision, in 2003, marks the first time that the radioactive material program involved the public in the license renewal process. The South Carolina Radioactive Materials Regulations do not provide for or require public involvement. SCDHEC decided, in 2003, based on the development of the new enhanced public participation initiative, that it was prudent for the program, and all programs, to involve the public in all major decisions.

Recently the tritium plume, associated with the Disposal Site, has received a lot of attention from the public and has been represented by some in the media as being a new issue. The current version of *Tritium Migration at the Barnwell Low-Level Radioactive Waste Disposal Site August 2007* [9] was first created in 1995 to inform the public about the tritium plume and has been revised several times over the years. This informative document was provided, upon request, to the public and media. Likewise, SCDHEC representatives, over the years, were required to meet with and provide presentations and updates about the site directly to the state legislature regarding the Disposal Site.

Recently, some citizens in close proximity to the Disposal Site became concerned about the quality of their drinking water. SCDHEC responded to citizen concerns for their water quality by sampling all private drinking water wells within a one-half mile radius around the site and some within a one-mile radius of the site. We sampled for tritium, volatile organic compounds (VOCs), gross alpha, gross beta and gamma. All of the samples results for the private wells revealed tritium at background levels. The majority of the results came back non-detect for tritium. Some of the results showed low levels of VOCs and naturally occurring radionuclides. None of the sample results reflected any impact from Disposal Site operations. Each member of the public was informed in writing regarding the results of their water quality.

A public meeting was held in October 2007 to inform the local community about the tritium plume and sampling results. Individuals were allowed to ask questions of our staff in an informal setting prior to the meeting, where they could ask questions one on one. The formal presentation provided, in plain language, to the public an accurate and detailed explanation of radioactivity, site history, environmental monitoring, and regulatory requirements. Our staff fielded questions after the presentation. Following the question and answer session, a local State Legislator and a County Council representative expressed gratitude to SCDHEC and staff for its proactive efforts at the Disposal Site over the years as well as its efforts to dispel the public's concern regarding their water quality. Those in attendance listened intently to the presentation as well as the question and answer session. It was clear that most in attendance were comfortable with the information and answers provided. In regards to the public meeting the editor of the local newspaper wrote, "After the facts were given during the October 11 presentation by officials from the S. C. Department of Health and Environmental Control, there weren't that many questions left to pose."

While the information regarding the tritium plume, including monitoring reports and sampling data, have always been available to the public. We felt there was little evidence of a problem with the quality of drinking water because of our involvement with sampling and delineation of the existing plume. However, we failed to realize that the public often fears what they don't know and don't understand. When we presented the information in plain language, most understood and were comfortable with the issue. We realized that the public's concerns regarding private well water quality may never have been an issue if this information was provided to them in this format before. We committed to update and inform the local community about the tritium plume through an annual newsletter.

The following quote from the previously mentioned editorial gives great insight to SCDHEC as well as the regulated community regarding the public's perception, "Another point for (SC)DHEC, Chem-Nuclear or any organization or business that has an impact on the public: the more information it discloses – good, bad or indifferent – the more trust it will gain from the people."

Powerplants - While power plants do not fall under the State's regulatory authority over radioactive material licensing, we do participate in the license renewal process. The Nuclear Regulatory Commission (NRC) retains the authority to regulate nuclear power plants. The NRC is also responsible for conducting public meetings for the license renewals at these facilities. There are four nuclear power plants that operate in South Carolina, H. B. Robinson, Oconee (three units), Catawba (two units), and V.C. Summer. SCDHEC representatives attend public meetings conducted by the NRC and reviews documents associated with license renewals.

Tritium found in groundwater at Catawba Nuclear Station has also been in the media lately. In late 2007 tritium was detected by the facility at elevated levels in a monitoring well on the plant property. Due to recent concern with tritium at Chem-Nuclear, SCDHEC immediately decided to be proactive in its approach at the Catawba Nuclear

Station. As a result, SCDHEC reacted by sampling private drinking water wells in the vicinity of Catawba Nuclear Station. The results came back non-detect for tritium in all but one drinking water well. The tritium concentration for the remaining well was only slightly above the detection limit at a level consistent with background.

SCDHEC held a public meeting to discuss the results of sampling with residents in December 2007. Representatives from the NRC, SCDHEC and Catawba Nuclear Station all provided presentations. After the presentations the public was offered an opportunity to comment and ask questions. There were many questions and all were answered. The meeting was a success and most went away feeling their questions and concerns were heard.

Since tritium has been found in groundwater at other nuclear plants around the country including Catawba Nuclear Station, SCDHEC has committed its resources to similar sampling activities at the remaining nuclear plants in the state. After sampling we will also conduct public meetings with the affected communities in the coming year.

SUMMARY AND CONCLUSIONS

The 2004 initiative for enhanced public participation has resulted in identification of new tools and techniques that encourage more effective public input and participation. The four Bureaus (Air, Land, Water and Environmental Services) within EQC program share lessons learned, both successes and failures, through Bureau Workgroups. These Workgroups have created tools for staff, such as guides for public meetings and for plain language, which enable our staff to write public notices that are easier for the public to understand. A survey and database were created to track feedback from the public in order to determine how we can better provide more meaningful community involvement to meet their specific needs. New techniques have been implemented as well, such as restructuring meeting formats to facilitate interaction and meeting sooner and more often to meet the needs of the public. SCDHEC now uses electronic communication to provide public notices of comment periods, public meetings, and public hearings. These postings are placed on the SCDHEC website. An intranet electronic calendar has been established for internal use and is updated and maintained by staff. The calendar is used to post and locate all public meetings and events scheduled by the EQC. These mechanisms for enhanced public participation will be provided to all EQC staff in the form of training in the near future.

SCDHEC now provides for more public participation regarding permitting and licensing decisions, corrective action activities, remedy selection as well as any other significant issues that may arise which would impact a community. SCDHEC continues to conduct public forums statewide for the specific purpose of soliciting feedback, direction, and guidance from citizens across the state.

SCDHEC is committed to the ideals and the quality approach of enhanced public participation. The tools and techniques created and used by SCDHEC are continuously evaluated within the dynamic process known as enhanced public participation. We

recognize that this process is essential to the ability of SCDHEC to provide outstanding customer service. By increasing the public participation and involvement, as well as establishing and maintaining relationships with the public, SCDHEC is able to continue to meet its goal to build trust and credibility within the community. It is important to remember that relationships and trust are built by being consistently competent, caring, and honest. If we communicate with honesty and fairness, the public, will often respond in kind, and we are ultimately better able to achieve its mission.

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