



## EM SSAB NATIONAL CHAIRS MEETING

Deer Creek State Park, Mt. Sterling, Ohio

*November 5-7, 2013*




# U.S. Department of Energy Practices Related to Public Input




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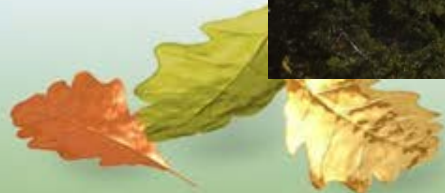




# You have been asked to help DOE decisions...

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- ❖ It takes individuals such as yourselves to stay engaged and help the Department make complex and important decisions
  - ❖ Your clean up decision-making support can involve a number of different decision processes. They often rely on seeing “the big picture” and understanding its context, importance and implications
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# A menu of opportunities for input

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- ❖ **National Environmental Policy Act** – groundbreaking cornerstone of public involvement
  - ❖ **Comprehensive Environmental Compensation and Liability Act** – significant public involvement efforts from its outset
  - ❖ **Resource Conservation and Recovery Act** – a prescriptive process often combined with other efforts
  - ❖ **Permitting:** Clean Water Act/National Pollutant Discharge Elimination System, Discharge of Dredge or Fill Materials, Clean Air Act/Prevention of Significant Deterioration, etc.
  - ❖ **Other consultative processes:** Endangered Species Act, National Historic Preservation Act
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# Examples of the fruits of public involvement

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- ❖ Fernald Preserve
  - ❖ Oak Ridge Reindustrialization
  - ❖ Hanford's B Reactor Preservation Project
  - ❖ Rocky Flats National Wildlife Refuge
  - ❖ Oak Ridge East Tennessee Technology Park K-25/K-27 Historic Preservation strategy
  - ❖ PORTSFuture, the SSAB and the future of PORTS
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# How can you get to success? The CERCLA ARARs process will help

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- ❖ A little education about ARARs
- ❖ You may have questions...
  - What's an ARAR?
  - How does the process work and how does it save time?
  - How do I fit into this?
  - Does my voice matter?



# The CERCLA process expedites and streamlines clean-up

Throughout the process the federal agency is seeking, informing and considering public input - *before* deciding



There is public engagement throughout



## What does that mean... “Substantive vs. Administrative?”

**Substantive** pertains to the action or conditions in the environment e.g. quantitative health or risk-based standards, liners in landfills, MCLs in drinking water

**Administrative** = regulations that facilitate the substantive requirements, e.g., permits, approvals, or consent with administrative bodies, and documentation, reporting and recordkeeping

## Compliance with Other Laws under CERCLA

VIA **APPLICABLE  
RELEVANT  
APPROPRIATE  
REQUIREMENTS**  
(ARARs)

**PROCESS**  
Substantive vs.  
Administrative  
requirements are met

## “Other Laws” under CERCLA like...

- Clean Air Act
- Clean Water Act
- Resource Conservation Recovery Act
- National Historic Preservation Act
- Endangered Species Act

## You can see the effects of ARARs throughout the process

- From the RI/FS to the Proposed Plan to the Record of Decision...
- ARARs provide the logic tie to alternative development and ultimately to remedy selection
- The means of ARARs compliance helps design the solution

## Decisions, Decisions

### 9 criteria for CERCLA decisions


- Threshold** - Must be protective  
- Must be ARARs compliant
- Balancing** - Long-term effectiveness  
- Short-term effectiveness  
- Cost  
- Reduce toxicity, mobility & volume  
- Implementability
- Modifying** - State Acceptance  
- Community Acceptance



# The value of ARARs to the clean-up process

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- ❖ ARARs distill the issues and focus them
  - ❖ ARARs provide objectivity
  - ❖ ARARs avoid the funnel effect
    - they foster and forge new working relationships
    - have a broader level of public involvement
  - ❖ Have an “as practicable” provision
  - ❖ There is a schedule that keeps you moving forward and working together
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## Wrap-up

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- ❖ Your support is invaluable
- ❖ There are many types of decision processes and public involvement is a part of all of them
- ❖ There are many success stories and more are in the works
- ❖ The CERCLA ARARs process helps DOE attain informed decisions sooner, getting to clean-up sooner, getting to your site's future sooner







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## Questions

