

**UMTRA Ground Water Project  
Public Participation Plan**

**Fiscal Year 2000**

**Prepared by  
U.S. Department of Energy  
Albuquerque Operations Office  
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## 1.0 Introduction

This *UMTRA Ground Water Project Public Participation Plan* provides descriptions of the public involvement and information activities the U.S. Department of Energy (DOE) Grand Junction Office (GJO) plans to conduct for the Uranium Mill Tailings Remedial Action (UMTRA) Ground Water Project. The activities described in this plan either meet or exceed the public participation requirements of the National Environmental Policy Act (NEPA) of 1969 and the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. This plan was developed to be responsive to the interests and concerns of stakeholders and minority and low-income populations, as mandated by Executive Order 12898 in Title 3 of the *Code of Federal Regulations* (CFR). The plan also contains information on the regulatory framework guiding the plan and the Public Affairs roles and responsibilities for the UMTRA Ground Water Project.

## 2.0 Objectives

DOE actively encourages public participation, as directed in *Guidance on Implementation of the Department's Public Participation Policy*.

The objectives of this public participation plan are

- To promote stakeholder awareness, understanding, and participation in the project decision-making processes.
- To maintain a proactive public affairs program that accurately identifies public and media concerns and provides timely information.
- To establish stakeholder involvement and information activities to promote communications between DOE-GJO and affected stakeholders to accomplish the project mission successfully and in a mutually satisfactory manner.
- To facilitate activity planning.
- To comply with the provisions of the National Environmental Policy Act for public participation.

## 3.0 Stakeholders

DOE works in partnership with the project stakeholders and the U.S. Nuclear Regulatory Commission, the regulatory agency for the project. The following groups, agencies, and organizations are stakeholders who have an interest in or are affected by UMTRA Ground Water Project activities:

- Citizens in communities near former uranium-ore processing sites

- Native American tribes
- Local county governments
- Local city governments
- Cooperating state governments
- Federal agencies
- Local media
- Environmental organizations
- Landowners
- Potential ground water users
- Self-identified, interested parties

## 4.0 UMTRA Project Background

In 1978, public concern about potential human health and environmental effects of uranium mill tailings led Congress to pass the Uranium Mill Tailings Radiation Control Act (42 U.S.C. 7901 *et seq.*). In the Uranium Mill Tailings Radiation Control Act, Congress acknowledged the potentially harmful health effects associated with uranium mill tailings and designated 24 inactive uranium-ore processing sites for cleanup (Figure 1). These sites are located in 10 states; 23 of the sites are in states west of the Mississippi River. In addition, five of the sites are on Native American–owned lands.

In 1983, the U.S. Environmental Protection Agency (EPA) developed standards to protect the public and the environment from potential radiological and nonradiological hazards at abandoned processing sites. These standards included exposure limits for surface contamination and proposed concentration limits for ground water contamination. The ground water standards were finalized in 1995. DOE is responsible for bringing surface and ground water contaminant levels at the 24 sites into compliance with EPA standards. DOE is accomplishing this through the UMTRA Surface and Ground Water Projects.

Under the UMTRA Surface Project, DOE began cleanup of surface contamination in 1983 and completed the final site in 1998. The second phase of the UMTRA Project is to achieve ground water compliance at the 24 millsites. The UMTRA Ground Water Project addresses the cleanup of residual ground water contamination, if any, from the millsites. These sites also will be part of the Long-Term Surveillance and Maintenance (LTSM) Program, which provides for surveillance, ground water monitoring, and maintenance of sites cleaned up under the UMTRA Project.

Project management for the UMTRA Ground Water Project was assigned to DOE-GJO in 1996. DOE-GJO is responsible for implementing the overall project, developing and implementing compliance strategies and project scope, overseeing contracts, establishing milestones and stakeholder agreements, and providing interface with the public.

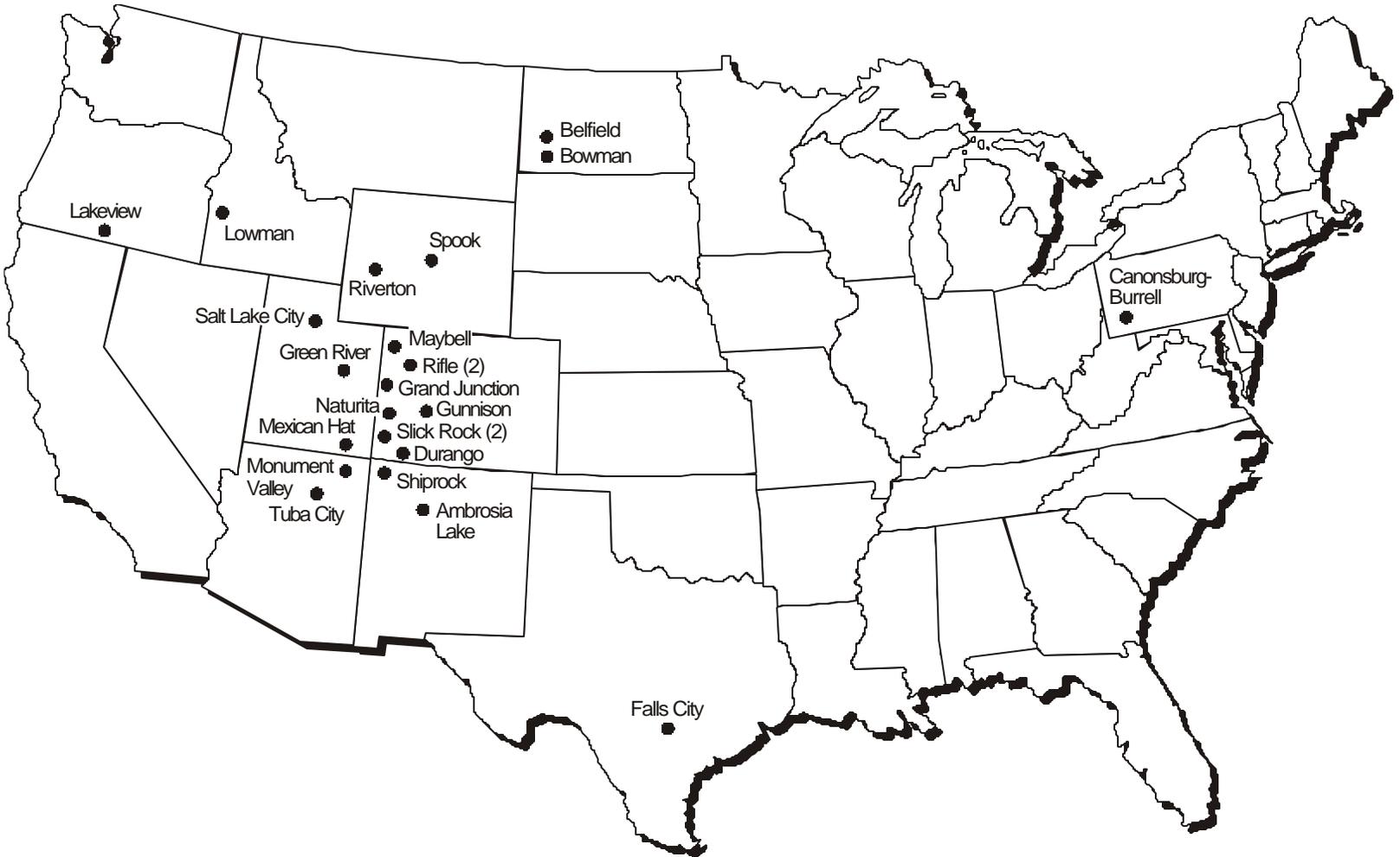


Figure 1. Locations of the Former Processing Sites

## **5.0 Regulatory and Policy Framework**

### **5.1 National Environmental Policy Act of 1969**

The National Environmental Policy Act requires an evaluation of the environmental impacts of major federal actions. This act established a compliance process for all federal agencies to ensure that decisions are environmentally sound. Public participation is an important part of this process. Formal provisions for participation by all interested parties are detailed in 40 CFR, Sections 1500–1508; in the Council on Environmental Quality’s implementing procedures for NEPA; and in 10 CFR 1021, DOE’s implementing procedures for NEPA.

### **5.2 Uranium Mill Tailings Radiation Control Act of 1978**

The Uranium Mill Tailings Radiation Control Act provides for cooperation between DOE and affected states and Native American tribes for the cleanup of designated abandoned or inactive uranium mill tailings sites and vicinity properties. This act was amended in 1988, 1992, and 1996 to extend the time for project completion. The act also provides for restoration of ground water contamination caused by uranium-ore processing at UMTRA Project sites. Section 7921 of the Uranium Mill Tailings Radiation Control Act encourages public participation in selecting remedial actions and in implementing cooperative agreements.

### **5.3 U.S. Environmental Protection Agency Standards**

In 1987, EPA proposed revised standards to correct and to prevent contamination of ground water as a result of uranium mill tailings near inactive uranium-ore processing sites. On January 11, 1995, EPA published the Final Rule (40 CFR 192, Subparts A, B, and C), which established ground water standards.

## **6.0 Public Affairs Roles and Responsibilities**

The DOE-GJO Public Affairs has day-to-day management responsibility for public affairs activities, including preparation of informational materials and planning and conducting public participation activities for the ground water phase of the UMTRA Project. DOE-GJO personnel are the principal spokespersons for the UMTRA Ground Water Project in public meetings and interviews with the media.

## **7.0 Project Implementation**

In 1992, DOE initiated a Programmatic Environmental Impact Statement for the UMTRA Ground Water Project. Nineteen public scoping meetings were conducted from November 1992 through April

1993. A 120-day public comment period followed the issuance of the draft Programmatic Environmental Impact Statement. The final Programmatic Environmental Impact Statement was distributed to the public in December 1996. The Record of Decision was issued in April 1997.

The Programmatic Environmental Impact Statement presents analyses of the potential impacts of four alternatives for implementing the UMTRA Ground Water Project: the proposed action, no action, active remediation to background levels, and passive remediation. The Record of Decision identifies the preferred alternative that will become the programmatic foundation for conducting the UMTRA Ground Water Project at all sites. Under the proposed action alternative, three ground water compliance strategies are presented to meet the EPA standards at a site: no remediation, passive remediation with natural flushing and monitoring activities, and active remediation. DOE may select one strategy or a combination of strategies to meet the standards for a site.

Project implementation is similar for each compliance strategy. Figure 2 illustrates the project implementation process. In general, an initial risk assessment was performed for each site and documented in a Baseline Risk Assessment. DOE-GJO uses the Baseline Risk Assessment to determine if the ground water at a site poses an immediate risk to human health and the environment. A Site Observational Work Plan is subsequently prepared. The Site Observational Work Plan documents the site ground water conditions and documents how DOE will demonstrate compliance with EPA ground water standards. Following the site characterization phase, a draft Ground Water Compliance Action Plan and the appropriate NEPA documentation will be prepared. The Ground Water Compliance Action Plan presents descriptions of the compliance strategy to be implemented for a site. For the no-remediation alternative, the Ground Water Compliance Action Plan may be a modified section of the Surface Remedial Action Plan. For sites where active and passive remediation will be implemented, the Ground Water Compliance Action Plan will be a separate plan that includes the verification monitoring to be performed.

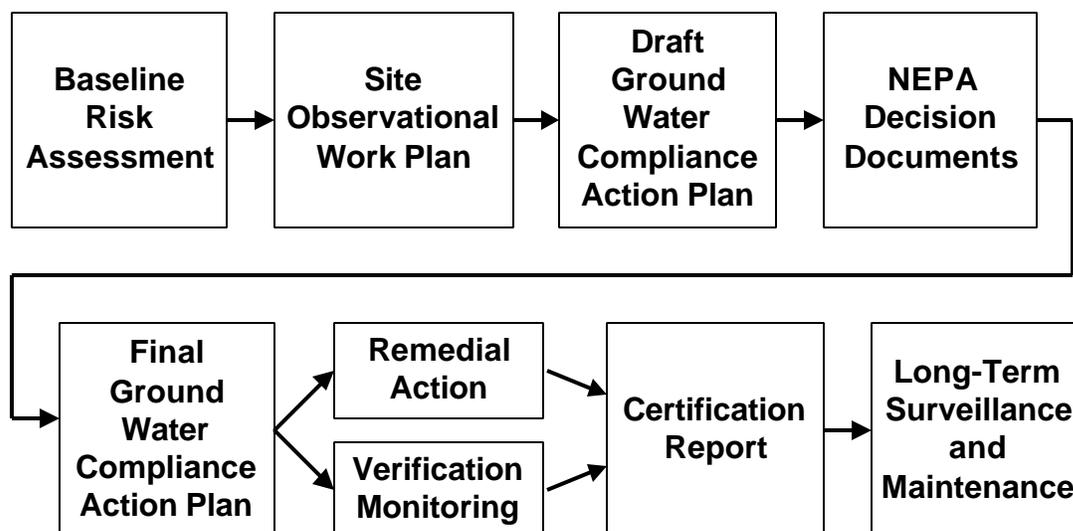


Figure 2. Project Implementation Process

NEPA documentation includes

- An Environmental Assessment, which identifies the proposed site-specific ground water compliance strategy and alternatives, analyzes effects, and specifies any measures necessary to reduce adverse effects. If an Environmental Assessment shows the proposed strategy would not have a significantly adverse effect on the environment, a finding of no significant impact (FONSI) is issued.
- A Categorical Exclusion is intended for actions that will clearly have no significant adverse effects on the environment. Categorical Exclusions exempt the actions from further environmental evaluation under NEPA. Categorical Exclusions are currently planned to be prepared for the site characterization (i.e., Site Observational Work Plan) activities, pilot studies, and interim actions. In some cases, the DOE Albuquerque Operations Office may determine that certain actions are adequately addressed in existing NEPA documentation.

Upon completion of the site-specific NEPA documentation, DOE-GJO will finalize the Ground Water Compliance Action Plan. Remedial action will begin for active remediation sites and verification monitoring will begin for passive remediation sites. No-remediation sites will transfer directly to the Long-Term Surveillance and Maintenance Program. Remedial action will involve stabilizing, controlling, or cleaning up contaminants at a site. For passive remediation sites, verification monitoring will confirm that the passive remediation strategy is working. A Ground Water Certification Report will be prepared for active and passive remediation sites to document that actions required in the Ground Water Compliance Action Plan were successfully completed and that the site meets EPA standards. These sites will then be transferred to the Long-Term Surveillance and Maintenance Program for long-term ground water monitoring, as necessary.

## 8.0 NEPA Public Participation Requirements

NEPA has specific public participation requirements for the preparation of Environmental Assessments. No public participation is required for Categorical Exclusions; however, some of the public participation activities discussed in Section 9.0 may still be used. Required activities related to the preparation of an Environmental Assessment include

- **Draft Environmental Assessment**—DOE will notify the host state and host tribe, any other affected states and tribes, and the general public as appropriate of a decision to prepare an Environmental Assessment. Notification will be made through news releases or advertisements. The draft Environmental Assessment will be available to host and affected states and tribes and, on request, to members of the public for preapproval review and comment. DOE will also provide notification of the availability of the draft Environmental Assessment through news releases or advertisements. Copies of the document will be available in public information locations, such as public libraries. Depending on the level of public interest in affected site communities, DOE-GJO

may conduct public meetings on draft Environmental Assessments. These meetings would solicit suggestions and comments on the scope of the Environmental Assessment, including site-specific issues that should be identified, considered, and analyzed to meet ground water compliance.

- **Final Environmental Assessment**—DOE will notify the public when an Environmental Assessment has been completed. This notification may be made through news releases or advertisements. Copies of the final Environmental Assessment will be placed in the appropriate public information locations and will be provided to interested parties upon request.
- **Finding of no significant impact (FONSI)**—DOE may make the proposed FONSI available to the public for review and comment before publication of the final document in certain circumstances. DOE will notify the public of the availability of proposed and final FONSI through news releases or advertisements. Copies of the proposed and final FONSI will be placed in the appropriate public information locations and will be provided to interested parties upon request.

In addition to NEPA requirements, DOE-GJO will also conduct scoping meeting for public input for proposed compliance strategies. These scoping meeting will be held on a site-specific basis.

## **9.0 Public Participation Activities**

General public participation activities are planned for each compliance strategy. Site-specific public involvement plans will be written as needed. DOE-GJO will inform state and local governments, tribal representatives, and local media of the proposed action for each site and the NEPA process to be conducted.

### **9.1 Public Participation Activities for No-Remediation Sites**

If site characterization data indicate that the site meets EPA standards, no further action for the site will be recommended. DOE Albuquerque Operations Office will decide if the site can be excluded from the requirement of preparing an Environmental Assessment. Public information locations, such as local public libraries, have been established where information and documents concerning the ground water cleanup at or near the site are available to the public.

### **9.2 Public Participation Activities for Active or Passive Remediation Sites**

The following activities are planned for either active or passive remediation sites. Activities required for documents related to the NEPA process are described in Section 8.0.

- **Small Group Meetings**—DOE-GJO staff will be available upon request to meet with small groups of interested stakeholders to address specific and general stakeholder concerns. DOE-GJO will

continue to conduct quarterly technical meetings and semiannual management meetings to provide opportunities for dialogue with federal, regional, state, and tribal cooperating agencies.

- **Public Availability Sessions**—Availability sessions are opportunities for interested stakeholders to meet with project managers in an informal setting. Public availability sessions will be held to identify and answer stakeholder concerns during development of site-specific documents or during implementation of an interim action, such as installation of an alternate water supply system. Availability sessions will be held in place of public meetings, unless required, to allow for more informal discussion with stakeholders.
- **Public Meetings**—Public meetings with UMTRA Project representatives will be held as required during site-specific ground water compliance activities at many UMTRA Project sites. These meetings will provide information on ground water characterization activities and risk assessments and will seek input regarding site-specific ground water compliance decisions. Every effort will be made to provide relevant information in advance of public meetings.
- **Dialogues with States and Native American Tribes**—DOE-GJO will communicate either by telephone or through meetings to inform affected state and tribal representatives of UMTRA Ground Water Project activities and to allow for two-way communication. This communication will take place as part of DOE-GJO's routine activities. Informational materials will be provided to state and tribal representatives and will be translated upon request. DOE-GJO will also conduct site-specific Chapter House meetings to better inform residents close to the sites. Arrangements for translation will be made as needed.
- **Public Comment on Documents**—Federal agencies, states, and tribes will have the opportunity to review and comment on site-specific documents such as Baseline Risk Assessments, Site Observational Work Plans, Ground Water Compliance Action Plans, and Environmental Assessments. These documents will be provided through direct mailings to interested stakeholders and will be made available for public review in public information locations such as local public libraries.
- **Discussions of Interim Actions**—In some cases, an interim remedial action, such as the installation of an alternate water supply to a community during ground water cleanup, may be necessary. DOE-GJO will hold discussions with local city officials and key business leaders to address establishment of the interim action and notification of the public. Communication methods will include small group meetings, public meetings, or public availability sessions.
- **Public Information Locations**—Locations such as local public libraries are established where information and documents concerning ground water cleanup at or near the site are available to the public. Baseline Risk Assessments, Site Observational Work Plans, Ground Water Compliance Action Plans, and news releases are examples of documents that will be placed at the public information locations. It is the policy of DOE-GJO to make all NEPA documents related to the UMTRA Ground Water Project available to the public.

- **Fact Sheets or Informational Updates**—Fact sheets or informational updates will be prepared for public distribution to keep stakeholders informed of the status of issues associated with ground water activities.
- **News Releases**—General information will be provided to the public through news releases supplied to the local media for significant events. Announcements also will be made in the local media to notify the public of opportunities to meet with DOE-GJO representatives. Local media from each affected community will be invited to attend public meetings and availability sessions and to observe work in progress.
- **Public Notice**—DOE-GJO will provide public notice of the intent to prepare an Environmental Assessment through news releases or advertisements. Notices of Availability for draft and final Environmental Assessments, draft and final Environmental Impact Statements, proposed and final FONSI, and related site-specific project documents may be published in local newspapers and in the *Federal Register*, as appropriate.
- **Direct Mailings**—Key stakeholders from each affected community, including state and tribal representatives, U.S. Nuclear Regulatory Commission officials, interested members of the public, and the media will be sent copies of reports, updates, fact sheets, and other pertinent documents. Key stakeholder lists will be updated monthly.
- **Information Contact**—The DOE UMTRA Ground Water Project manager or site manager will respond to public inquiries on site activities. The DOE-GJO Public Affairs Specialist will serve as the primary information contact for project issues affecting each community.
- **Toll-Free Hotline**—DOE-GJO has established a toll-free hotline (1-800-399-5618) to provide information and to take public comments.
- **DOE-GJO Home Page**—Information relevant to the UMTRA Ground Water Project (e.g., Environmental Assessments and FONSI) is posted on the DOE-GJO UMTRA Ground Water Project Home Page at <http://www.doegjpo.com/gwwp/index.htm>. This address will be disseminated with other information materials.

### 9.3 Evaluation of Public Participation Effectiveness

DOE-GJO will establish the criteria by which the Public Affairs effectiveness will be evaluated and will implement changes, as needed, to improve the effectiveness of the UMTRA Ground Water Project Public Affairs effort. The views and recommendations of stakeholders will be taken into consideration when assessing the effectiveness of the public participation activities. The following information from stakeholders will be used in the evaluation:

- Evaluation forms distributed during meetings and events.
- Informal personal interviews with people attending meetings and events.
- Comments received in writing from government agencies, civic organizations, and members of the public.
- Comments received through the toll-free hotline.

## 10.0 Point-of-Information Contacts

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*UMTRA Ground Water Project Management Action Process (MAP) Document*, Revision 2, MACGW-ADM 1.1, prepared by MACTEC Environmental Restoration Services for the U.S. Department of Energy Grand Junction Office, Grand Junction, Colorado, May 1999.

DOE Order 451.1, *National Environmental Policy Act Compliance*.

DOE Order 1230.2, *American Indian Tribal Government Policy*.

Executive Order 12898, *Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*, 3 CFR, 1994 Comp., p. 859.

42 U.S.C., Chapter 88, Section 7901 *et seq.*, “Uranium Mill Tailings Radiation Control Act,” *United States Code*.

### **Code of Federal Regulations**

10 CFR 1021, “National Environmental Policy Act Implementing Procedures,” U.S. Department of Energy (general provisions).

40 CFR 192.20, “Guidance for Implementation.”

40 CFR 1500, “Purpose, Policy, and Mandate,” Council on Environmental Quality.

40 CFR 1501, “NEPA and agency planning,” Council on Environmental Quality.

40 CFR 1502, “Environmental impact statement,” Council on Environmental Quality.

40 CFR 1503, “Commenting,” Council on Environmental Quality.

40 CFR 1504, “Predecision referrals to the Council of proposed Federal actions determined to be environmentally unsatisfactory,” Council on Environmental Quality.

40 CFR 1505, “NEPA and agency decision making,” Council on Environmental Quality.

40 CFR 1506, "Other requirements of NEPA," Council on Environmental Quality.

40 CFR 1507, "Agency compliance," Council on Environmental Quality.

40 CFR 1508, "Terminology and index," Council on Environmental Quality.