

LAYING THE GROUNDWORK: STATEWIDE PUBLIC INVOLVEMENT IN PENNSYLVANIA

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ABSTRACT

Effective public involvement is always a challenge, but it is a formidable task at the statewide level. The Commonwealth of Pennsylvania has laid the groundwork for a private operator to site and develop a low-level radioactive waste facility to handle the Appalachian Compact's disposal needs. The statewide public consultation program is designed to provide general information about the issue, to obtain public involvement in the selection of a qualified operator, and to enable an aware public to enter into the public involvement program implemented by the selected operator. The next steps will fall to that operator, under the general oversight of the Department. Techniques used at these early stages are described in this paper, with discussion of how they will "bridge" to the efforts of the operator.

THE PENNSYLVANIA MODEL STATE/INDUSTRY PARTNERSHIP

Among the states and regional compacts that are moving forward to site and develop needed low-level waste capacity, much variation exists. Combinations of state-owned and operated; privately developed, owned, and operated; and other approaches are underway or planned throughout the country. The Commonwealth of Pennsylvania has its own model.

Under the terms of the Low-Level Radioactive Waste Disposal Act of 1988, Pennsylvania's Department of Environmental Resources must ensure that a low-level waste disposal facility is built within the Commonwealth. The process established assigns responsibilities to the Department of Environmental Resources and a private operator to be selected by the Department. After development of a comprehensive regulatory program, achievement of Nuclear Regulatory Commission Agreement State status, and an open process for operator selection, the Department must ensure that the selected operator proceeds within that framework to meet regional needs and federal milestones.

Recognizing the critical role of public involvement in the success of the program, the Department has been conducting an intensive public involvement program to provide the appropriate groundwork for the yet-to-be-selected operating firm. As the regulations were developed, the program designed, and the potential operator evaluated, the Department took responsibility for a statewide approach to informing and involving its citizenry. After the regulations have been adopted and a contract signed, the operator will take responsibility for site selection and development, and the major responsibility for public involvement will pass to that firm.

The Department's objective is thus to create the most favorable public climate possible before that responsibility transfers. Considering the size and variability of the entire Commonwealth, this presented several challenges. Results to date, however, indicate that it has been a useful program.

PUBLIC INFORMATION AND EDUCATION TOOLS

Real participation by the general public at the statewide level is an elusive goal. Real public information and

education, however, is not so difficult. The Department focused on preparing basic "building blocks" of public information that would tell people about the need for a disposal facility, about the major issues involved, and about the process. Basic facts about waste sources, health risk, regulations, and disposal design also are needed for people to understand proposed approaches.

The techniques used are not new. What the Department did, however, was try very hard to make the materials interesting and relevant to the issues that are almost certainly to be of concern or debate. Materials were based around a ten-page brochure that presents an overview of the issue and the program. Its foreword encourages readers to ask questions, seek additional information, and involve themselves in the program as it proceeds. The brochure acknowledges the early stage in the process and the fact that many factors are now unknown. It is prospective, however, and provides a foundation for further Department information and ultimately for the program implemented by the operator.

Accompanying the overview brochure are a series of factsheets that focus in somewhat more detail on the issues. They include the following subject areas:

- Community Impacts and Benefits from Hosting a Low-Level Radioactive Waste Disposal Facility
- Monitoring a Low-Level Radioactive Waste Disposal Facility in Pennsylvania
- Selecting a Site for a Low-Level Radioactive Waste Disposal Facility
- Low-Level Radioactive Waste in Pennsylvania Background
- Low-Level Radioactive Waste Defining the Terms
- Pennsylvania's Low-Level Waste Siting Plan Meeting the 1988 Federal Milestone
- Designing for Safety Low-Level Radioactive Waste Disposal Technology
- Safe Transportation of Low-Level Radioactive Waste
- Special Concern Wastes What Are They and How Will They Be Managed?
- Low-Level Radioactive Waste Options for Volume

Reduction and Processing

- Radiation and Potential Health Risks
- Construction, Operation, Closure, and Long-Term Care of Pennsylvania's Low-Level Radioactive Waste Disposal Facility

These materials have been widely distributed through the Department's mailing list and at public meetings, Advisory Committee meetings, presentations, and other opportunities. They are augmented by a quarterly newsletter that provides more timely descriptions of program activities and updates schedules, plans, and opportunities for involvement.

Also for use with the general public, the Department has prepared numerous slide presentations, large-format posters, and handouts to assist in laying the basic groundwork from a public information perspective. Media releases and media briefings are scheduled regularly, as the print media are one of the most powerful ways to reach the broad range of people statewide.

THE CHALLENGE OF INVOLVING THE PUBLIC AT THE STATEWIDE LEVEL

It is important to point out immediately that the Department has no illusions about truly effective public participation at the broadest, statewide level. While it is possible to reach many citizens with information, the opportunities for really involving them in decision making at this stage are limited.

The key activities that could benefit from public involvement were development and finalization of the low-level waste regulations, a process stretching over many months, and the evaluation and selection of a facility operator, another multimonth process that is still underway.

The Department chose to work at two levels. The greatest amount of involvement was sought from its 23-member Low-Level Waste Advisory Committee and its precursor, a 19-member Public Advisory Committee. The Public Advisory Committee began meeting in March 1985. Participants of the Public Advisory Committee were selected by the secretary of the Department. The secretary sought and invited participation by statewide organizations representing varying backgrounds, such as industry, environment research, and local government, who were interested in the low-level waste issue. The individuals that served on the Public Advisory Committee were appointed by their respective organizations.

Although the Public Advisory Committee served in no formal capacity, its role in the Commonwealth's low-level waste program was critical. The Department used the Committee to develop draft legislation and draft siting and facility design criteria. After the Department and Committee were satisfied with these draft documents, the first round of public meetings were conducted to describe and to obtain public input on the draft legislation and draft criteria. The draft legislation formed the foundation for the Low-Level Radioactive Waste Disposal Act and the draft criteria

formed the basis for the siting and design requirements in the Commonwealth's low-level waste regulations.

Passage of the Low-Level Radioactive Waste Disposal Act required the secretary to appoint a 23-member Low-Level Waste Advisory Committee (Advisory Committee). Membership on the Advisory Committee includes representatives from local government, environment, health, engineering, business, academia, public interest groups, and the General Assembly. Most of the Public Advisory Committee members are members of the Low-Level Waste Advisory Committee and subsequently the transition to working with the Low-level Waste Advisory Committee was uneventful.

The Advisory Committee has two primary functions: review of draft regulations prior to proposal, and review and comment in disposal facility operator selection. The Advisory Committee may also advise the Department regarding policies and issues related to implementing the Low-Level Radioactive Waste Disposal Act.

The Advisory Committee reviewed and commented on innumerable drafts of the low-level waste regulations. Its involvement continued through public meetings held to obtain public comments on the draft regulations and formal submittal of the final regulations for approval and adoption by the Commonwealth's Environmental Quality Board.

The Advisory Committee has also taken a very active role in the operator selection process. The secretary of the Department of Environmental Resources must select the most qualified firm later this spring, and the Department has an important role in supporting that decision. The Advisory Committee was integral to development of the request for proposals for an operating firm, and contributed many "tough questions" to the requirements. Before proposals were received, the Advisory Committee met many times, with Department guidance, to assist in developing evaluation criteria, review subcommittees, and plans for additional public input. They worked hard to become educated on what constitutes a good operator, and on all of the elements of facility siting, development, and operation. Effective public involvement in the operator's program was a priority evaluation factor for the Advisory Committee.

To broaden the public input to operator selection, the Department and the Advisory Committee cosponsored public review meetings across the Commonwealth. The two potential operators were invited to attend to present their proposals, qualifications, and approaches, and to display physical models of the disposal technologies proposed for use in Pennsylvania. The Advisory Committee facilitated public questions and comments, and enhanced their understanding about the factors of importance to the general citizenry. The meetings also, the Department believes, provided the potential operators with a better understanding of the issues and concerns to be faced in siting a Pennsylvania facility.

The second level of focus for the Department in the public involvement program has been the general public. While it is possible to use the multidisciplinary talents of the Advisory Committee, it is also necessary to provide

opportunities for outreach to the broader general public, even at this early stage. This was accomplished in several ways.

Public information meetings have been held throughout the Commonwealth since November 1986. To date, four rounds of statewide meetings have been conducted. Three of the four meetings were held to obtain public input on major program issues: draft legislation and draft siting and design criteria, draft low-level waste regulations, and bidder-proposed presentations/operator selection. After each round of meetings, the Department considered public input and it often amended the program to address public concern. One round of meetings, Low-Level Radioactive Waste Disposal Act, was conducted for the sole purpose of explaining the process for establishing new low-level waste disposal capacity for the Commonwealth. Understanding that the issues were general at many points, the Department has endeavored to present a graspable level of information and to provide a great deal of time for questions and discussions. Sometimes this works well, sometimes it doesn't. Meeting formats were designed to allow informal "poster session" time for citizens to wander through displays, meet the Department staff who will be the licensers and regulators of the facility, and ask questions they may not be comfortable raising in a large group setting. Time was also allowed for the large-group question sessions, that were virtually demanded in some locales. The classic public meeting format of agency presentation/public question and statement period, while not really providing for effective dialogue, has become entrenched. The Department tried hard to provide enough additional types of formats to meet the needs of not only the seasoned meeting goer but also the general public person who sincerely wanted to ask questions.

A benefit to the program in Pennsylvania is the existence of a network of community relations coordinators who work for the Department's regional offices. In six major regions of the Commonwealth, these coordinators (CRCs) were involved to act as liaisons between the public and the Department's headquarters offices in Harrisburg. They are experienced community outreach professionals, often with special skills in media relations. They provide the advantage of local contact addresses and telephone numbers, and serve as an extension of the Department staff operating from Harrisburg. It is expected that the CRC network will continue to oversee the process and serve as information conduits after the selected operator begins its independent public involvement program.

MAKING THE TRANSITION TO THE OPERATOR'S PROGRAM

The Department is always careful to make clear its role as the licensing and regulatory agency in Pennsylvania. This is not always a simple distinction, as the Department has been mandated to take an active role in laying out the process and selecting the operator who will complete it. As soon as the selected operator is under contract and beginning its own program, the Department will quite formally pass the public involvement baton to that operator. It is

currently planned to occur at a series of public meetings of some type where the Department will introduce the operator and reinforce the Department's continuing role as regulator.

That role will include oversight of the operator's program, which the Department expects will build on the existing groundwork of information to achieve true public involvement in the many upcoming decisions. As the potential operators' proposals are reviewed, their proposed public participation programs are being evaluated to assess their genuine commitment to citizen involvement, and the value of the planned mechanisms to achieve that. As potential sites are selected, designs prepared, environmental information collected, and all the myriad of steps in facility development carried out, the operator is expected to create the dialogue and involvement opportunities needed for success. The Department's job is to judge the proposed commitment to that approach and to oversee the program as it is carried out to make sure that it happens as planned.

WHAT HAVE WE LEARNED?

Anyone who is in the field of public involvement or has followed these types of programs knows that no news is not always good news. Laying the groundwork is essential, but real public interest in site selection swells when geographic decisions are made. Nevertheless, several important issues arose during this process that may be of interest to people contemplating design of a public involvement program.

1. People expect to receive detailed answers to their questions, even if it has been explained to them that the process has just begun and many decisions have not been made. This is the "damned if you, damned if you don't" model of public information and involvement. It should not be allowed to discourage early and broad-based public involvement, but proponents should have ready explanations of where the process stands, why the information is not yet available, and when it will be. Be prepared to repeat the explanation frequently.
2. Working with a multidisciplinary, varying interest, advisory group has many benefits, but it not an easy task. The mix of people must be selected carefully and their appointments handled gracefully. Such a group will need a great deal of background information and time spent on orienting all members to the issues involved in their task. Members will almost always represent widely varying levels of knowledge on the subject, and certainly bring to the committee table preconceived notions. Groundrules and operating practices must be clearly defined, and all members and the facilitating organization must understand and agree on their role and authority. The Department focused on creating meaningful, useful activities for the Advisory Committee, and structuring workshops and working sessions to produce usable results. A committee that is just asked to rubberstamp decisions or even just to review materials will not feel it is making a substantive contribution to the program, nor will it be. Good will, good information, and demonstration

that their input affects the program and the decision-making process makes for an advisory group that is a proponent of the program.

3. The tools and techniques appropriate at the statewide level are necessarily broad and basic. As the operator moves forward to site and develop a disposal facility in Pennsylvania, the Department expects the program to evolve into a more consultative, "involving" approach. It will need to include public roles in decision making and focus on identifying and negotiating those issues appropriate to negotiate. The purpose of the Department's program has been only to lay the groundwork; the real challenges still lie ahead.
4. Human nature is the same whether you are working in Pennsylvania or anywhere else. People appreciate being approached, consulted, and treated with respect. Even if they disagree heartily with the need for a facility, the details of the design, or the risks to health presented by radiation, in the short or long run they react favorably to a sincere outreach program,

carried out by real human beings. Building trust and rapport is a long process, but there is no substitute for it.

PENNSYLVANIA'S NEXT STEPS

The process of laying the public involvement groundwork throughout the Commonwealth is almost complete. This spring, when the Department selects the firm that will site, develop, operate, and close the facility, they will pass to them a major responsibility for public participation. The Department will make clear to the citizens, when introducing the selected operator, what the respective roles of the operator and the Department will be. The Department will retain visibility as the regulatory agency, and will attend and monitor the operator's public involvement activities. The ultimate judgement of the success of this program will come in the next few years, but the Department considers that it has established a strong base for effective public involvement from the very beginning of the process.