Optimizing State and DOE Roles and Responsibilities to Accelerate Cleanup of Nuclear Sites

State environmental agencies, the U.S. Department of Energy (DOE), and the U.S. Environmental Protection Agency (EPA) share responsibilities for the cleanup of sites throughout the DOE Environmental Management complex. States firmly believe that faster cleanups that protect human health and the environment build from a trustful and transparent relationship between the states and DOE, coupled with an optimization of our collective and individual roles and responsibilities. States have identified opportunities for improvement and propose the actions in the attached table to collectively advance cleanup work.

The changes envisioned are not new in concept. In fact, they build on recommendations and associated expectations for state-DOE engagement, established by the Federal Facilities Environmental Restoration Dialogue Committee in its Final Report in 1996.[1] As those recommendations are over 20 years old, we believe new, specific direction to the implementers in states, DOE, and at EPA is what will drive the day-to-day decisions that define the success of cleanup efforts.

The DOE and state environmental regulators in concert with U.S. EPA inherently assume different roles and responsibilities during cleanup. The following proposed optimization actions are respectful of these legal roles and examine discretionary changes that would improve relationships. To enable fruitful dialogue, states have identified desired outcomes, the optimization actions to support and realize those outcomes, and proposed measures of success. The desired outcomes require change by all parties, and by initiating this effort with DOE, states recognize change is a two-way street and commit to working collectively and collaboratively with DOE to rapidly and deliberately initiate change.

[1] *Final Report of the Federal Facilities Environmental Restoration Dialogue Committee: Consensus Principles and Recommendations for Improving Federal Facilities Cleanup.* April 1996.

Desired Outcome	Optimization Actions	Measure of Success
Timely and predictable response to requests and an accepted and utilized elevation process	States and DOE establish quantifiable expectations for response times for the most common areas of interactions. • States and DOE select a set of standard document types and agree to expected response times on these that are documented and shared with all appropriate parties. States and DOE establish a bi-directional elevation process. • Building off ECOS' work with EPA on elevation processes, states, DOE, and EPA work to develop an escalation matrix.	Document review moves at a predictable pace. Disagreements are solved or elevated in a timely manner. Time between major cleanup steps such as RFI and CMS is reduced.
Transparency in decision-making responsibility and data used to make decisions	States and DOE commit to establishing Responsibility Accountability (RACI) matrices in the following areas: • Work prioritization • Budget prioritization	RACI developed for work prioritization and budget prioritization. Decisions are made with appropriate parties informed and consulted.
Regular interactions with DOE EM Upper Management	DOE EM-1 and site leadership meet regularly with the state environmental leaders of the 11 states with EM sites. DOE EM leaders meet regularly with ECOS to support this effort.	Regular meetings occur.
Successful solutions and approaches are diffused across sites in the complex	DOE and the states work to compile, promote, and update an inventory resource to support diffusion of best practices. These may address technical, management, and other issues.	Inventory developed and accessible to states, DOE, and stakeholders. Evidence of best practices from one site transferred to other sites.
Action prioritization that benefits and accelerates complex-wide progress	Annual complex-wide strategic dialogue involving DOE sites, Headquarters, states, and EPA to discuss: • Complex priorities/competing priorities and budget; • Transparency and collaboration regarding decision making and decision criteria; • Annual Performance Metrics including enforceable cleanup milestones for and performance metrics to maintain progress while managing change at sites; and	Annual summary that helps understand impacts of individual site decisions on the entire complex. Fewer disagreements during the year on prioritization, leading to Accelerated cleanup work.

	• Strategies with contractors including:
	  ○ Standard Language for DOE to put in contracts for incentives for working relationships with and responsiveness to regulators, and
	  ○ Continuous improvement on contracting services and leaning procurement.	

Coordinated waste disposition and disposal decisions to more efficiently manage waste	Annual dialogue with states and DOE about waste disposition/disposal exploring: • All disposition pathways not just the default pathway, including criteria and methodology for selection and optimization of disposal pathways; • Any proposals to change how waste is classified; • Awareness and communication among and between shipping and receiving sites and state regulators prior to public announcements; and • Decisions on how current resources are being utilized such as clean fill going into landfills. DOE annual planning and reporting on waste disposition and disposal projections across the complex and for each site over 1, 3, and 5 year time frames.	Completed summary of annual dialogue and next actions published. Percent of known waste inventory with disposition pathway determined. Publication of annual report.
Early, frequent, meaningful, and transparent public engagement that includes the state voice and perspective	Include the state voice and perspective in the DOE's public engagement efforts. • Each site should work with its affected states to develop guidelines for state involvement in DOE's public engagement efforts and DOE site involvement in state agency public engagement efforts. Broadening communication channels within the community. • Ensure the opportunity for local community involvement beyond the SSABs.	Percentage of sites with guidelines for state-DOE involvement in public engagement efforts. Increased local community involvement as measured through increased attendance at events and more input from community during comment periods.