

Office of the Attorney General



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Mr. Roger Petrie
U.S. Department of Energy
Oak Ridge Operations
Federal Facility Agreement Project Manager
Oak Ridge Reservation Remediation Management Group
P.O. Box 2001
Oak Ridge, TN 37831

Request for Off-site Disposal Cost Information for the Proposed Environmental Management Disposal Facility

Dear Mr. Petrie:

On behalf of the Tennessee Department of Environment and Conservation (TDEC), the State of Tennessee Office of the Attorney General (AG's Office) requests that the Department of Energy (DOE) produce information related to the cost of off-site disposal of various wastes generated through DOE's ongoing cleanup of the Oak Ridge Reservation (ORR). The requested information is needed to support TDEC's review of the forthcoming Record of Decision for the proposed Environmental Management Disposal Facility (EMDF). The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires consideration of the costs of each alternative during remedy selection.

The AG's Office makes this request for information on the cost of offsite disposal for all wastes on behalf of TDEC pursuant to Section XXIX of the Federal Facilities Agreement (FFA) for the ORR. Section XXIX of the FFA provides that "Upon request by EPA or TDEC, DOE shall submit to EPA and TDEC copies of records, and other documents...that are relevant to oversight activities." To the extent this request seeks information on the cost of offsite disposal of hazardous wastes and mixed wastes, wastes that are both hazardous and radioactive, the AG's Office makes this request for information on behalf of TDEC pursuant to the Tennessee Hazardous Waste Management Act (HWMA). *See* Tenn. Code Ann. § 68-212-107(b)(3) (The TDEC Commissioner is empowered to "[i]nspect and copy any records, reports, test results, or other information relating to the purposes of [the HWMA]").

The AG's Office specifically requests the following information regarding the cost of offsite disposal of wastes:

- Any bids, responses to DOE requests for information, and/or responses to DOE requests for proposals received by DOE within the previous five years containing estimates of the cost of off-site disposal of low-level radioactive waste (LLW), mixed wastes, hazardous wastes and/or solid wastes that are generally applicable to DOE facilities nationwide and/or as specifically related to the CERCLA cleanup at the ORR.
- Any internal DOE estimates generated within the previous five years of the cost of offsite disposal of LLW, mixed wastes, hazardous wastes and/or solid wastes that are generally applicable to DOE facilities nationwide and/or as specifically related to the CERCLA cleanup at the ORR.
- The actual costs of off-site shipments of LLW, mixed wastes, hazardous wastes and/or solid wastes related to the CERCLA cleanup at the ORR within the previous five years.
- Any documents or information provided to DOE Headquarters to comply with H.R. 1865/Public Law 116-94, Further Consolidated Appropriations Act, 2020, which according to the Explanatory Statement Submitted By Mrs. Lowey, Chairwoman Of The House Committee On Appropriations Regarding H.R. 1865, Further Consolidated Appropriations Act, 2020 directs DOE “to perform an evaluation of the cost of onsite disposal compared to offsite disposal, including the economic impacts to the local community, and to brief the Committees on Appropriations of both Houses of Congress not later than 90 days after enactment of this Act.” 165 Cong. Rec. H11061-01, H11249 (Dec. 17, 2019).

Please provide the requested documents and information within thirty days. All documents provided pursuant to this request will be maintained in the possession of the AG’s Office. The AG’s Office will maintain confidentiality of the records provided by DOE in accordance with Tenn. Code Ann. § 10-7-504(5)(A).

Sincerely,

/s J. Peter Murrey
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CC: Steve Stout – TDEC OGC
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