

Congress of the United States
Washington, DC 20515

September 22, 2021

The Honorable Jennifer M. Granholm
Secretary
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Secretary Granholm:

Thank you for your continued support of the Environmental Management mission at the Oak Ridge Reservation (ORR). It has been encouraging to see the historic progress that has been made with the successful completion of Vision 2020, the first successful cleanup of a gaseous diffusion complex in the world. What is more remarkable is that this was accomplished safely, under budget, and ahead of schedule. As EM's mission begins to shift towards the environmental remediation work required at Oak Ridge National Laboratory (ORNL) and the Y-12 National Security Complex (Y-12), it is vital that we recognize and preserve the conditions that have enabled EM's success thus far, including the availability of an onsite waste disposal option.

We appreciate the commitment you made on May 6, 2021 during the House Energy and Water Resources and Related Agencies Appropriations Subcommittee hearing to construct and operate the new onsite CERCLA disposal facility, the Environmental Management Disposal Facility (EMDF). We also want to thank you and the Administration for supporting the funding of the EMDF in the FY22 President's Budget Request. However, we are writing to you on behalf of our constituents in Oak Ridge and the surrounding counties to express concern that actions being taken by the Environmental Protection Agency are jeopardizing the likelihood that EMDF will be operational within the timeframe required to avoid significant disruption to the cleanup mission.

A June 9, 2021, letter from the Environmental Protection Agency's (EPA) Acting Assistant Administrator Lawrence Starfield sent to special interest groups indicated that the EPA was undertaking several actions pertaining to the EMDF. This included working with the Department of Energy to consider opportunities for additional public comment. While we value the opportunity for our constituents to provide input on cleanup actions, we are concerned that the time needed to execute yet another round of formal public comment will push the approval of the final Record of Decision (ROD) past the date on which work must begin on EMDF in order to avoid a gap in onsite disposal capability. DOE has already gone above and beyond the requirements for formal public comment by extending the required 30-day period to a 120-day comment period. In addition, they have demonstrated meaningful involvement with the community by hosting exclusive meetings and engagements with stakeholder groups throughout the region.

As you are aware, if the ROD slips past January 2022, construction of the EMDF would essentially be delayed yet another year (due to agreed-upon groundwater testing schedules). This delay would seriously compromise cleanup efforts by resulting in a gap between the closure of the existing waste disposal cell (the Environmental Management Waste Management Facility, or EMWMF) and the operation of the planned cell. Without onsite disposal capability, cleanup activities such as mercury remediation and building demolition will be significantly slowed. Moreover, without EMDF, EM funding will be diverted from successful, ongoing cleanup efforts towards offsite disposal, which is significantly more costly, hazardous, and time consuming. This could cost as much as 800 jobs, nearly an additional decade in schedule, and continued contamination flowing into our waterways from contaminated structures awaiting remediation. Additionally, by risking the ability of EM to efficiently remediate excess facilities at ORNL and Y-12, critical science and national security missions could be placed in jeopardy.

While we appreciate the complexities surrounding waste disposal, we believe that DOE has repeatedly and thoroughly addressed those with our constituents and that the majority of community stakeholders understand the need for onsite disposal. The Department has a moral obligation to communities in East Tennessee to clean up the ORR. Years of delay and bureaucratic infighting have pushed this project to a worrying precipice, despite commitments made by multiple administrations to Congress and the citizens of East Tennessee. We respectfully request that you honor the commitment to work with Administrator Regen and the Tennessee Department of Environment and Conservation (TDEC) to resolve any outstanding issues and expeditiously approve the final ROD.

Sincerely,



Charles J. "Chuck" Fleischmann
Member of Congress



Marsha Blackburn
U.S. Senator



Bill Hagerty
U.S. Senator