

## Advocates for the Oak Ridge Reservation

August 26, 2009

Sent via email

John Michael Japp  
OREM FFA Project Manager  
Department of Energy (DOE) OE Oak Ridge  
Oak Ridge, TN 37831  
Via email: [John.Japp@orem.doe.gov](mailto:John.Japp@orem.doe.gov)

**Regarding:** Proposed Plan for the Disposal of Oak Ridge Reservation CERCLA Waste, DOE/OR/01-2695&D2/R1

Dear Mr. Japp,

I am writing on behalf of Advocates for the Oak Ridge Reservation (AFORR) to share with you the opinions of citizens in East Tennessee about the proposed hazardous waste landfill, to request that the opportunity be reopened for the public to comment on the proposed landfill, and to ask that questions be answered regarding the proposed landfill. AFORR is a locally based nonprofit organization established in 1999 to support preservation of the natural resources of the DOE Oak Ridge Reservation for the long-term benefit of DOE, the local community, and national and international interests. AFORR appreciates the hard work of DOE, the Tennessee Department of Environment and Conservation (TDEC), and U.S. Environmental Protection Agency on the subject planning process under CERCLA.

However we do not see that opinions of public are being included in the planning process. Therefore we have circulated the attached Fact Sheet and associated petition to people in Oak Ridge. The petition has the attached 174 signatures of people who were in Oak Ridge who “do not support plans for the disposal of CERCLA Hazardous Waste on the Oak Ridge Reservation by the Department of Energy (DOE) (called the Environmental Management Disposal Facility - EMDF).” Clearly there is a need to develop a plan that can be supported. AFORR favors a hybrid alternative that addresses the concerns noted below and includes

- On-site disposal of waste that is characterized well enough to ensure that a landfill in Bear Creek Valley can be designed to protect human health and the environment and
- Off-site disposal of the most hazardous waste.

Concerns about establishment of the new disposal facility for radioactive materials and material containing mercury as proposed by DOE on the Oak Ridge Reservation include the following:

1. DOE’s preferred sites would add to the inventory of contaminated land by putting waste in a clean area (a greenfield).
2. DOE would not need a new landfill if the existing landfill had been managed properly by characterizing and separating the waste before disposal.

3. None of the candidate sites is suitable hydrologically. Abundant surface and subsurface water require an engineered containment system that can be expected to fail in the long term. The engineered system is challenged by 5 feet of rain being the norm for east Tennessee and projected increases in rainfall.
4. Proximity to residential areas would exclude these sites from consideration if the EMDF were sited as a new radioactive waste disposal facility

AFORR notes that TDEC has identified major problems with the existing hazardous waste landfill. These problems are partially due the fact that DOE has not provided sufficient information on significant aspects of the analysis of alternatives to allow informed comment by the public including

1. Details of waste acceptance criteria and requirements for waste
2. Full details of the comparative analysis of costs for the Onsite and Offsite alternatives.
3. The specific waivers of regulatory requirements that would be requested for each of the Onsite options and the rationale for each requested waiver.
4. Treatment technologies that have been evaluated or are planned to reduce waste volume in the disposal facility and immobilize any mercury waste prior to disposal.

Before an alternative is chosen for on-site disposal, the site for the landfill and the waste to be disposed should be characterized well enough to ensure it can be designed to protect human health and the environment. Credible limits on the amount and concentration of hazardous chemicals and radionuclides that can be disposed in a landfill in Oak Ridge must be established and used to determine the volume of waste that should be buried on-site.

We look forward to hearing back from you on how these concerns will be addressed and when there will be future opportunities for public engagement in the planning process for the hazardous waste landfill.

Sincerely,

*Virginia H. Dale*

Virginia H. Dale ([virginia.dale4@gmail.com](mailto:virginia.dale4@gmail.com)) (865-405-2025)  
President, Advocates for the Oak Ridge Reservation (AFORR)

CC: Colby Morgan, TDEC  
Connie Jones, US EPA  
Nate Watson, Southern Environmental Law Center  
Senator Marsha Blackburn  
Senator Lamar Alexander  
Representative Chuck Fleischmann  
Robert Kennedy, Chair of the Environmental Quality Board of the City of Oak Ridge  
Mark Watson, City Manager of Oak Ridge

## **Fact sheet regarding plans for the disposal of CERCLA<sup>1</sup> Hazardous Waste on the Oak Ridge Reservation by the Department of Energy (DOE) (called the Environmental Management Disposal Facility - EMDF)**

The new disposal facility proposed by DOE for radioactive materials and material containing mercury on the Oak Ridge Reservation has the following problems:

1. DOE's preferred sites would add to the inventory of contaminated land by putting waste in a clean area (a greenfield).
2. DOE would not need a new landfill if the existing landfill had been managed properly by characterizing and separating the waste before disposal.
3. None of the candidate sites is suitable hydrologically. Abundant surface and subsurface water require an engineered containment system that can be expected to fail in the long term. The engineered system is challenged by 5 feet of rain being the norm for east Tennessee and projected increases in rainfall.
4. Proximity to residential areas would exclude these sites from consideration if the EMDF were sited as a new radioactive waste disposal facility.

The state of Tennessee has identified major problems with the existing hazardous waste landfill, and DOE has not provided sufficient information to allow informed comment by the public including

1. Details of waste acceptance criteria and requirements for waste
2. Full information on the comparative analysis of costs for the on-site and off-site alternatives.
3. The specific waivers of regulatory requirements that would be requested for each of the on-site options and the rationale for each requested waiver.
4. Treatment technologies that have been evaluated or are planned to reduce waste volume in the disposal facility and immobilize any mercury waste prior to disposal.

A better solution would be a hybrid alternative that addresses the concerns above and includes

- On-site disposal of waste that is characterized well enough to ensure that a landfill in Bear Creek Valley can be designed to protect human health and the environment and
- Off-site disposal of the most hazardous waste.

**Background:** <https://www.energy.gov/orem/oak-ridge-office-environmental-management>

<https://www.tn.gov/environment/program-areas/rem-remediation/rem-oak-ridge-reservation-clean-up/emdf/emdfdocuments.html>

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<sup>1</sup> CERCLA = Superfund or Comprehensive Environmental Response, Compensation, and Liability Act