

Subject: Re: Recent article regarding RH TRU waste in The Oak Ridger
From: Susan L Gawarecki <loc@icx.net>
Date: Wed, 15 Jan 2003 14:57:15 -0500
To: Steve_Zappe@nmenv.state.nm.us



Steve,

Thanks for your interest in our work. I've attached a document that describes the LOC in some detail. Let me know if you have trouble opening it.

We are different from the SSAB in that we are not FACA-chartered and our oversight is not limited to Environmental Management issues. The original purpose was to give local governments a voice in Federal Facility Agreement decisions (the FFA legally being limited to the DOE, EPA, and State of Tennessee). We have expanded to include a panel of volunteers who research issues and provide recommendations to the Board and also to the involved agencies.

There is a strong perception in Oak Ridge that New Mexico is trying to delay and disrupt the disposal of TRU waste. From our investigations, the procedure to characterize the waste at the point of packaging seems to be more than adequate for RCRA purposes. To my knowledge, this is the way it is handled for all commercial hazardous waste disposal sites. I could appreciate verification of a small percentage of the packages at WIPP, but can't understand a 100% requirement. Especially with remote handled TRU, this poses unacceptable risks to workers, as well as increasing the possibility of a release at the facility.

Really, considering that the waste is being sealed in a salt dome, what is the concern about the characterization of mixed waste? You couldn't ask for more secure long-term disposal in a geologic environment, and the radiological characteristics are far more harmful than any of the hazardous ones.

Perhaps New Mexico feels like they are a "dumping ground" but the state has accepted huge federal subsidies for road building in exchange for allowing disposal of TRU waste at a fairly isolated location that welcomes the industry. The sites that are sources of this waste also have burdens of contamination and on-site disposal from Cold War production that we will deal with effectively forever. For example, the only incinerator in the country that burns mixed waste with PCBs is located in Oak Ridge. As part of intersite equity, we burn wastes from other DOE sites in other states that can't be treated any other way.

I hope this gives you a better understanding of Oak Ridge's perspective.

Regards,
 Susan Gawarecki

Steve Zappe wrote:

Attn: Susan Gawarecki
 Executive Director, Oak Ridge Local Oversight Committee

Good morning, Susan -

I just finished reading a January 14, 2003 article in The Oak Ridger Online entitled "DOE Lobbies to Ship Nastiest Waste West"
http://www.oakridger.com/stories/011403/new_0114030001.html, and thought I'd drop you a brief note introducing myself and making you aware of the WIPP Hazardous Waste Facility Permit issued by the S New Mexico in October 1999.

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My name is Steve Zappe, and I am the New Mexico Environment Department (NMED) WIPP project leader. It is my responsibility to modify, maintain, and ensure compliance with the WIPP permit. I have been involved with this project on behalf of the State for over 8 years, and I am the expert witness on regulatory issues related to the permit.

I can appreciate and understand the frustration the citizens of Tennessee must feel over the dangers of continued storage of RH TRU waste in their state, and I also recognize that Congress has designated WIPP as the appropriate disposal facility for such waste. However, when NMED issued the original permit in 1999 we explicitly prohibited the acceptance of RH TRU mixed waste at WIPP for storage and disposal because the applicants failed to demonstrate how the waste would be characterized to satisfy RCRA requirements (see attached written testimony from the public hearing held in February 1999). EPA prohibited RH waste for similar reasons when they issued their final certification decision in 1998.

However, NMED is bound by federal and state hazardous waste regulations to require DOE to submit a complete permit modification request in order for them to manage RH TRU waste, and NMED must follow the regulatory process for evaluating the request and rendering a final agency determination on it. DOE submitted a permit modification request to us dated June 28, 2002, for which the 120-day public comment period ended on October 31, 2002. NMED is in the process of developing a Notice of Deficiency (NOD) on the modification request, and expects to issue it in approximately 30 days or so. Depending on the quality of DOE's response to the NOD, we could then develop a draft permit and issue it for public comment later this year, to be followed by a potentially contentious public hearing before a final decision is reached. At this time, I am not prepared to guess when WIPP would be able to receive RH TRU waste, but I'm safe in saying it will be no earlier than 2004. By the way, DOE has also submitted a request to EPA for their consideration, and they are currently working with EPA to revise their request to address EPA's technical concerns.

I invite you to contact me for further information. I believe clear communication can reduce or eliminate misunderstanding, and will enable you and your Citizen Advisory Panel (CAP) to more effectively participate in the regulatory process without resorting to "political lobbying" to "expedite the process." During the development of the current WIPP permit in the late '90's, I found political lobbying by other states (e.g., Idaho and Colorado) to be particularly counterproductive.

NMED maintains a WIPP facility mailing list, and I would be happy to add your name and the names of any others from the CAP you would provide. You may also want to add the following web sites to your web page of links and resources:

EPA's Radiation Protection Program, WIPP Oversight
<http://www.epa.gov/radiation/wipp/>

DOE WIPP Homepage
<http://www.wipp.ws/>

NMED WIPP Information Page
<http://www.nmenv.state.nm.us/wipp/>

By the way, I would appreciate understanding the similarities and differences between your LOC CAP (funded through a grant from TDEC DOE Oversight Division) and the Oak Ridge SSAB. Please, do not hesitate to contact me if you have any questions. My phone number is (505) 428-2517, or you can simply reply to this e-mail. Thanks!

Steve

Name: rhwaste.pdf
rhwaste.pdf Type: Acrobat (application/pdf)
Encoding: base64

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LOC^{INC}
**Oak Ridge Reservation
Local Oversight Committee**

What is the Oak Ridge Reservation Local Oversight Committee, Inc. (LOC)?

The LOC is a non-profit, regional organization representing the interests of local governments and their citizens with respect to DOE's environmental decisions on the Oak Ridge Reservation (ORR). Other issues of concern are off-site contamination, emergency planning and reindustrialization.

The LOC was formed in 1991 when the state of Tennessee signed an oversight agreement with DOE to independently monitor ORR environmental restoration and waste management activities.

Board of Directors and Citizens' Advisory Panel

The LOC's Board of Directors includes elected and appointed officials from the City of Oak Ridge and the seven surrounding and downstream counties.

The LOC's Citizens' Advisory Panel (CAP) is composed of up to 20 citizens from the greater ORR region with diverse backgrounds. The CAP studies DOE's technical and policy issues, presenting its recommendations to the Board and state and federal officials. There are currently opening for CAP positions.

Initiatives undertaken by the CAP include promotion of planning and funding for long-term stewardship on the ORR, examining options for disposal of legacy and cleanup wastes, outreach on emergency planning and response, working with federal and state agencies regarding PCB contamination in downstream rivers and lakes, evaluating new environmental remediation technologies, and studying environmental health issues in the community.

Mission

The LOC's purpose is to ensure, in a manner consistent with prudent and effective use of public funds, that the best interests of those local communities adjacent to and downstream of the DOE's Oak Ridge Reservation are protected to the maximum extent possible during the cleanup and continued operation of the ORR facilities and associated off-site areas. These interests include human health, the environment, and the local economic and social well being.

Objectives and activities relative to DOE's activities and decisions on the ORR

- ◆ Promote maximum local public awareness and involvement
- ◆ Provide an effective avenue for disseminating accurate information
- ◆ Issue news releases and press briefings, and conduct other activities designed to inform the public
- ◆ Evaluate, comment, and make recommendations on DOE's ongoing actions, reports, and findings
- ◆ Represent local concerns to the DOE, EPA, and TDEC in the review of all projects of greatest interest to the local communities
- ◆ Promote the acceleration of those activities identified by the LOC as providing increased local benefit when expedited
- ◆ Participate in the annual budget and prioritization process for the EM program
- ◆ Communicate local concerns and interests to the DOE, EPA, Congress, and the State of Tennessee
- ◆ Prepare special studies, assessments, surveys, and related efforts to further public information
- ◆ Act as a liaison with LOC-member county and city governments with respect to activities requiring government action or participation

LOC publications available at no charge

2001 Annual Status Report to the Public of the Tennessee Department of Environment and Conservation DOE Oversight Division

Insights, a periodic newsletter

Watts Bar Reservoir Fish Advisory Pointers

For more information

Contact LOC's Executive Director Susan Gawarecki at (865) 483-1333 or toll-free at (888) 770-3073 or E-mail at loc@icx.net

**LOC is located in the historic Midtown Community Center
102 Robertsville Road, Suite B, Oak Ridge, Tennessee 37830.
Visit the LOC Web site at <http://www.local-oversight.org>.**