



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

May 9, 2001

Mr. Justin P. Wilson
Deputy to the Governor for Policy
State Capital
Nashville, Tennessee 37243-0001

Dear Mr. Wilson:

Recommendation Concerning the State of Tennessee's Position on the Proposed FY 2001 Burn Plan for the U.S. Department of Energy Toxic Substances Control Act Incinerator

The Oak Ridge Site Specific Advisory Board (ORSSAB) is writing to provide feedback to your letter dated February 23, 2001, to Dr. Carolyn L. Huntoon, Department of Energy (DOE) Acting Assistant Secretary for Environmental Management. In that letter, you approved liquid wastes from Idaho National Engineering and Environmental Laboratory, Savannah River Site, and a small Naval Reactors stream and you agreed to evaluate solid wastes from these sites, from Nevada Test Site, and from Los Alamos National Laboratory on a case-by-case basis. However, you disapproved wastes from Oak Ridge Operations facilities located in Kentucky and Ohio (that have been routinely approved in the past), as well as from Rocky Flats and other defense closure sites. The letter also cited a lack of commitment on the part of DOE to resolve legacy waste issues and encouraged DOE to investigate alternatives to incineration of mixed and PCB containing waste streams.

In a reply letter dated April 3, 2001, Dr. Huntoon thanked you for your willingness to work with DOE to address the treatment of solid waste streams from various sites and for the concerns regarding the large quantities of legacy waste on the site. It was highlighted that in FY 1999 and FY 2000, Oak Ridge disposed of over 300,000 cubic feet of mixed low-level waste at an out-of-state disposal facility and that in FY 2001 Oak Ridge is projected to ship over 400,000 cubic feet of low-level waste to the Nevada Test Site for disposal—the largest amount from any site in the DOE complex. Additionally, over 800,000 cubic feet of low-level waste are planned for out-of-state commercial disposal this fiscal year. Alternatives to incineration are acknowledged to be some years out and unavailable to support waste streams requiring treatment now.

ORSSAB is concerned that the State of Tennessee's position on treatment of out-of-state wastes at the Toxic Substances Control Act Incinerator (TSCAI) may undermine the ability to effectively remediate the Oak Ridge Reservation (ORR). TSCAI is a unique national resource and plays a key role in the interdependency of sites in the DOE complex attempting to achieve a common goal of cleanup of the environment from the nation's nuclear waste legacy. For a number of years, ORSSAB has based its recommendations on the principle that an equitable balance among sites and among states was required to remediate the DOE complex and realize our goals for the ORR. TSCAI's ability to treat wastes at Oak Ridge while shipping treatment residuals to other states for final disposal is illustrative of this equity principle. The state's position does not appear to acknowledge a number of equity issues involving the disposal of DOE wastes from Oak Ridge at out-of-state commercial facilities, as pointed out in

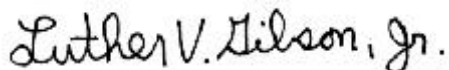
Dr. Huntoon's reply, nor is an equivalent equity concern apparent regarding out-of-state wastes being shipped for treatment in Tennessee at commercial facilities which often operate with less public awareness than those operated by DOE. Without TSCAI, other states may begin to limit this much-needed capacity for ORR wastes.

Furthermore, TSCAI is an essential component to managing continuing production of wastes at ORR. Out-of-state waste streams are essential to maintaining the cost-effective operation of TSCAI. Cessation of these streams will result in an early close to TSCAI, and in the absence of currently available commercial alternatives, the ORR will be forced to stockpile these wastes on site.

We have been given every reason to believe that TSCAI can be operated safely and look forward to the results of ongoing testing. The Governor of Tennessee's Independent Panel in 1998 concluded that emissions from the incinerator stack were far below permitted levels and that transportation of hazardous wastes to the incinerator involves risks well within those accepted on a daily basis for the transportation of other hazardous materials, such as gasoline.

ORSSAB recognizes that trial burns and risk assessments are underway or planned that should provide more detailed and comprehensive information about the operation and emissions from TSCAI and the associated impacts on human health and ecological receptors than has been previously available during its operational history. This additional information as well as the ability to meet Maximum Achievable Control Technology (MACT) standards in 2002 will provide an opportunity to reassess previously reached conclusions. We trust that the State's position will be adjusted according to those findings to allow TSCAI to serve as the important national resource that it is.

Sincerely,



Luther V. Gibson, Chair

cc: Pat Halsey, DOE-ORO
Susan Gawarecki, LOC
Connie Jones, EPA Region 4
Rod Nelson, DOE-ORO
John Owsley, TDEC