



November 7, 1997

The Honorable Federico Peña
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Subject: Unregulated, Offsite Private Waste Disposal

Dear Secretary Peña:

As a result of the recent Court ruling in *Waste Control Specialists vs. USDOE*, the Hanford Advisory Board is concerned about the potential disposal of USDOE wastes in unregulated private waste disposal facilities and has adopted the following advice:

1. USDOEs consideration of unregulated, offsite private facilities for disposal of USDOE wastes is an unacceptable setback to ending USDOEs self-regulation of its waste disposal.
2. The Hanford Advisory Board strongly supports USDOEs announced commitment to end USDOEs self-regulation of its waste disposal practices. In particular, the Board is concerned about USDOE low-level wastes, which have no external regulation by states, NRC or EPA. The Board wishes to encourage progress to ending self-regulation. Entering into new contracts which rely on self-regulation undermines this goal.
3. The Hanford Advisory Board supports lowering of waste disposal costs through meaningful competition and comparison of charges with commercial costs. However, using private disposal sites that have no independent state and/or NRC regulation for USDOE wastes undermines responsible competition and private development of regulated waste minimization and treatment facilities.
4. Adoption of a policy to ship ER or WM wastes to private, unregulated offsite disposal facilities receiving USDOE wastes would violate the publics rights to comment on the environmental and health impacts of such a policy. The Board opposes USDOE entering into contracts, or adopting a policy to accept proposals, for use of such self-regulated facilities in violation of NEPA requirements for impact analysis and public comment.
5. USDOE should appeal the injunction in *Waste Control Specialists vs. USDOE* and present a vigorous defense, including a clear record of (1) the need for external regulation of any offsite waste disposal and (2) the lack of NEPA review of offsite waste disposal at unregulated facilities.

We look forward to your response and to periodic progress updates on this matter.

Very truly yours,

Merilyn B. Reeves, Chair
Hanford Advisory Board

cc: Al Alm, DOE-HQ
John Wagoner, DOE-RL
Alice Murphy, Designated Federal Official
Chuck Clarke, Regional Administrator, U.S. EPA
Tom Fitzsimmons, Director Washington Department of Ecology
The Oregon and Washington Congressional Delegations
Randy Smith, Environmental Protection Agency
Dan Silver, Washington Department of Ecology

This advice represents HAB consensus for this specific topic. It should not be taken out of context to extrapolate Board agreement on other subject matters.

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*For questions or comments, please send [email](mailto:Hanford_Advisory_Board@rl.gov) to Hanford_Advisory_Board@rl.gov
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