Congress of the United States
Washington, DC 20515

September 22, 2021

Mr. Michael S. Regan
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan:

We write to express our full support for an expeditious approval of the final record of decision (ROD) for the new Environmental Management Disposal Facility (EMDF) at the Oak Ridge Reservation (ORR). We are also writing to express our concerns with the consequences of a failure to approve the ROD within the required timeframe. Meeting this timeframe is critical to avoiding devastating setbacks for the cleanup mission. As such, we respectfully request that you ensure that the Environmental Protection Agency (EPA) does not inhibit the ability of this project to move forward. EPA, the U.S. Department of Energy (DOE), and the Tennessee Department of Environment and Conservation (TDEC) have worked hand in hand to make the cleanup of the ORR one of the great success stories of the mission to cleanup former Cold War and Manhattan Project sites. It is imperative that EPA in its role as a regulator ensures that this success continues.

DOE's Office of Environmental Management (EM) mission at the ORR has achieved historic progress since its inception. We recently celebrated 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.

The current Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) disposal facility, the Environmental Management Waste Management Facility (EMWMF), has enabled EM to dispose of most of the less hazardous waste onsite, rather than expending valuable time and resources, as well as increased risks to ship that same waste across the country. Without onsite disposal, ETTP would not have celebrated the success of the Vision 2020. EMWMF has been safely operated for nearly two decades, with zero notices of violation and no spills or releases into the environment – in fact, recent fish tissue studies have also shown how successful EMWMF has been at proctecting the habitat.

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EMWMF is estimated reach capacity and require closure by approximately 2028, meaning that EMDF must be constructed and operational by then in order to ensure that cleanup can continue apace. If the ROD slips past January of 2022, due to the agreed upon groundwater demonstration schedule, EMDF would essentially be delayed yet another year, thereby preventing its completion by 2028 and threatening its construction entirely. This delay, and ultimately the loss of EMDF would divert funding from cleanup to offsite disposal (which is significantly more costly, time consuming, and hazardous), leading to a loss of up to 800 jobs, nearly an additional decade in schedule, and continued contamination flowing into our waterways from structures awaiting remediation. Additionally, by risking the ability of EM to efficiently remediate contaminated excess facilities at ORNL and Y-12, critical science and national security missions could be placed in jeopardy.

Due to the time sensitivity on this critical project, you can understand our concern when we read the June 9, 2021, letter to special interest groups from EPA Acting Assistant Administrator Lawrence Starfield, stating that the EPA was undertaking several reviews pertaining to EMDF. This letter indicated that EPA was reviewing a decision made by former EPA Administrator Andrew Wheeler on discharge limits, as well reviewing EMDF considering President Biden's executive orders pertaining to Environmental Justice and Climate Change. We fail to see how forcing our constituents to continue to live with hazardous structures leaking contaminants like mercury into our water and making DOE ship millions of cubic yards of waste across the country increasing carbon emmissions is consistent with the President's executive orders.

Also included in Acting Assistant Administrator Starfield's letter was a commitment by EPA to work with DOE 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 could 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.

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 work with Secretary of Energy Granholm and the TDEC to resolve any outstanding issues and expeditiously approve the final ROD.

Sincerely,

Charles J. "Chuck" Fleischmann	Marsha Blackburn	Bill Hagerty
Member of Congress	U.S. Senator	U.S. Senator