DOE acts unilaterally to save money and time rather than protect Idaho’s water

According to Idaho’s nuclear watchdog, federal and state officials have good reason to be angered by a U.S. Department of Energy attempt to renege on yet another cleanup agreement at the Idaho National Engineering and Environmental Laboratory.

“The battle has been joined over the DOE’s attempt to speed up and deal on the cheap with radioactive waste threatening our water,” said Gary Richardson, executive director of the Snake River Alliance.

In September 1999, the DOE, the State of Idaho, and the U.S. Environmental Protection Agency signed a record of decision for partial Superfund cleanup of the high-level waste tank farm at INEEL. One part of that legally binding decision was installation of a moisture barrier to stop radioactive and hazardous waste that had leaked into the soil around the tanks from leaching toward the Snake River Aquifer.

Last Thursday, the DOE issued a statement criticizing the EPA for trying to enforce the 1999 Superfund decision by issuing a violation notice. INEEL has not met its legal obligation to place a protective cover over the highly radioactive soils at the tank farm.

“What we find most troubling about the DOE’s tactic is that the agency has done precisely what it accuses others of doing,” Richardson said. “The DOE has acted unilaterally in trying to sidestep the 1999 decision to save money and time rather than protect Idaho’s water.

“As we noted when its so-called ‘accelerated cleanup’ plans were first revealed,” Richardson said, “the DOE is trying to break agreements with the state and the EPA, lower environmental standards and do less about the mess it’s been promising Idahoans since 1973 it would clean up.”

“Despite efforts to write its own rules, the DOE cannot single-handedly change [the 1999] decision. After all, self-written rules and unilateral decisions played no small part in creating the environmental perils that led to INEEL’s designation as a Superfund site in the first place,” Richardson wrote in a letter to INEEL’s acting manager, Warren Bergholz (attached).

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Warren E. Bergholz, Acting Manager
DOE-Idaho
850 Energy Dr.
Idaho Falls, Idaho 83402
Sent via email attachment to berghowe@inel.gov

Dear Mr. Bergholz:

As you know, many people across the country have been deeply concerned that the Department of Energy’s “Accelerated Cleanup” program is little more than a high-handed attempt to avoid compliance with regulatory requirements. INEEL’s failure to recognize its legal obligation to install a moisture barrier at INTEC justifies that concern.

In September 1999, the DOE, the EPA, and the State of Idaho signed a Record of Decision for some Superfund cleanup at the INTEC high-level waste tank farm. One part of that agreement was the installation of a moisture barrier, to borrow your words, “to impede or dramatically slow” migration of radioactive and hazardous substances toward the Snake River Aquifer.

Despite efforts to write its own rules, the DOE cannot single-handedly change that decision. After all, self-written rules and unilateral decisions played no small part in creating the environmental perils that led to INEEL’s designation as a Superfund site in the first place.

I encourage INEEL to reconsider its deliberate plan to break agreements with the state and the EPA, lower environmental standards, and do less about the mess it’s been promising Idahoans for decades it would clean up.

Sincerely,

Gary E. Richardson
Executive Director