

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES  
DEPARTMENT OF ENERGY

TRANSCRIPT OF PUBLIC MEETING HELD NOVEMBER 7, 2018

(This meeting was conducted at the Y-12 New Hope Center Auditorium, 602 Scarboro Road, Oak Ridge, Tennessee, from 6:00-8:25)

MOORE & ASSOCIATES REPORTING  
Marsha Moore Basista, RPR, LCR  
Post Office Box 34008  
Knoxville, Tennessee 37930  
(865) 457-7888

1 MR. MULLIS: My name is Jay Mullis. I'm the  
2 manager of the Oak Ridge Office of Environmental  
3 Management. I certainly appreciate all of you-all  
4 coming out tonight, spending your evening with us for  
5 what we feel like is a pretty important project and key  
6 for our future cleanup mission here in Oak Ridge.  
7 As you can tell, I'm a little under the  
8 weather. I had a speaking role tonight, but I'm going  
9 to turn that over to Dave Adler. He's going to come up  
10 here in a minute. So for those of you who may have been  
11 insulted by the fact that I didn't shake your hand, be  
12 happy that I did not.  
13 At any rate, thank you for spending your  
14 evening with us. I certainly look forward to the public  
15 input. We think it's important to get this out to the  
16 public and get your comment in and thoughts on what  
17 we're proposing here for the future. So with that, I'm  
18 going to turn it over to Dave.  
19 MR. ADLER: Thanks again to everybody for  
20 coming here. On the screen today is just the quick  
21 agenda. We're going to give a quick overview of the EM  
22 program, then we're going to show a short video, which I  
23 think helps illustrate the role we hope that the new  
24 landfill can play in the cleanup program. I'm going to  
25 come back and go through a few more slides to dive a

1 little bit more deeply into the information, and then  
2 the most important part of the evening, which is the  
3 opportunity for you guys to offer any comments you have  
4 on the project or any questions you may have.  
5 I want to -- we'll see this slide at the  
6 beginning and the end. If there's anyone who doesn't  
7 want to talk but would like to submit comments in  
8 writing, that's a perfectly acceptable way of giving us  
9 your thoughts. This is the information on who you would  
10 send it to. And, again, I'll flash that up at the end.  
11 But there are also information cards up front, if people  
12 just want to scroll down some quick thoughts.  
13 First of all, our program, OREM -- I'm going  
14 to try not to use too many acronyms tonight. OREM is  
15 one I can't get away from. It stands for the Oak Ridge  
16 Office of Environmental Management. That's the program  
17 that Jay leads. It's managed by the Department of  
18 Energy, with the objective of basically cleaning up the  
19 Oak Ridge Reservation. It's been going on for quite a  
20 while, and will go on for quite a while.  
21 Our primary objective is just making sure  
22 that we get the cleanup done well so the public health  
23 and environmental resources are taken good care of. At  
24 the end of our cleanup efforts, clean land should be  
25 available for future use by DOE or by the community.

1 And we're particularly focused on making sure that we  
2 get our cleanup done in a way that allows the other  
3 missions in Oak Ridge -- the science mission, the  
4 defense mission -- to maintain a level of vitality.  
5 A quick orientation for anybody that's not  
6 familiar with Oak Ridge. We've got about a 30,000-acre  
7 reservation with three big industrial facilities on it.  
8 In the upper right-hand corner is the actual residential  
9 area of Oak Ridge, but the City of Oak Ridge actually  
10 includes everything that's in dark green -- around  
11 30,000 acres.  
12 Three big facilities, as I mentioned. The  
13 one on the lower left-hand side of the screen used to be  
14 called Y-25. Probably a lot of people here recognize it  
15 as that. Now we call it the East Tennessee Technology  
16 Park. And it's the one location on the reservation that  
17 we're basically trying to clean up entirely and  
18 de-federalize and convert into both an industrial park  
19 for economic development -- there will be an element of  
20 the Manhattan Project Park there -- and there are also  
21 some lands there that are probably best suited for  
22 conservation and such. That has been our primary area  
23 of focus for the last several years. And we're  
24 basically closing in on finishing that job. We've got  
25 something we call Vision 2020, which basically means the

Page 5

1 work should be substantively just about done by 2020;  
2 the buildings that need to go, gone, plus the dirt  
3 that -- there will be some work to do, but it will look  
4 very different very soon.

5 So we're basically looking east. We would  
6 like to continue with the cleanup success at Oak Ridge  
7 National Laboratory and Y-12. That's what we're doing  
8 next. And basically we've been using a series of  
9 landfills. Let's see if I can make this laser work.  
10 Some landfills right over here, and then a landfill  
11 right there. There's actually a series of landfills in  
12 through here that we've been using to support the  
13 cleanup program. So a lot of material gets shipped out  
14 West. We'll talk about that in a moment, but the  
15 existing landfills have been a big key for our success  
16 in cleanup. We'd like to continue with that success.

17 Okay. This is an aerial of the K-25 site.  
18 Some of you probably already know that the buildings  
19 that were located on that site were some of the biggest  
20 buildings in the world at the time they were built, and  
21 now they're all gone, for the most part. The buildings  
22 that are painted in the green are buildings that no  
23 longer exist. So those are all basically big, empty  
24 fields ready for new industry. The buildings that are  
25 in other colors are in various stages of decontamination

Page 6

1 or preparation for demolition. So, as you can see,  
2 pretty much all of the big buildings are gone. We've  
3 got a few more challenging projects to go, but we should  
4 be able to squeeze them in in the next couple of years,  
5 and that part will be largely done.

6 A quick talk on the budget. Basically, let's  
7 just look at the bottom line here. We've gone from  
8 being about a \$430 million program in FY '15, a rapid  
9 increase up to about 646 million this year. So that's a  
10 rapid growth in the program. Basically more money  
11 allows us to do more cleanup. We think that one of the  
12 reasons that we've been favorably treated in the  
13 authorization or probation process is because of the  
14 success that we've had in Oak Ridge, really being able  
15 to demonstrate that something was getting completed,  
16 that being the East Tennessee Technology Park.

17 This one slide kind of shows the work to be  
18 done at ORNL and Y-12. The buildings in red, the Y-12  
19 on the left and Oak Ridge National Lab on the right, are  
20 all buildings that really serve no continuing purpose  
21 for missions in Oak Ridge. Many of them were built in  
22 the '40s and '50s. Many of them are in a pretty bad  
23 state of disrepair and they need to come down. We need  
24 to get them out of the wind and rain, out of the midst  
25 of our workforce going on at Y-12, and we need to get at

Page 7

1 the soils underneath them that present some  
2 environmental challenges. So there's a lot of work to  
3 be done.

4 We're not alone as a DOE facility. There are  
5 other DOE facilities around the country that also have  
6 old buildings that need to be addressed, and underlying  
7 soil that needs to be addressed, but we're certainly  
8 kind of a poster child for this condition. We have more  
9 of the higher risk facilities in Oak Ridge that need  
10 attention than really any other site. The types of  
11 hazards present are buried. In the case of the ORNL  
12 facilities, there are a lot of former reactors and  
13 radioisotope processing facilities, so they have  
14 residual radioactivity that needs to be addressed. The  
15 underlying soils and groundwater needs to be addressed.  
16 At Y-12, it's more a challenge associated with some  
17 mercury residues that exist in and beneath the  
18 buildings, but both jobs are big, both involve large  
19 quantities of soil and building material.

20 So, again, at the end we hope that we have an  
21 East Tennessee Technology Park that's completely cleaned  
22 up -- we're getting there quickly -- and available for  
23 the community to reuse as it sees fit. ORNL and Y-12,  
24 our focus is to be on getting them cleaned up to a  
25 condition appropriate for their continued use for their

Page 8

1 ongoing missions.

2 And Ben is going to push a button here and  
3 let us see a video for a minute. Make it so, Ben.

4 (The aforementioned video was shown and reported  
5 stenographically, but not transcribed herein.)

6 MR. ADLER: Here we go. Back to this slide  
7 again just for a minute. As we mentioned before, three  
8 sites, one that's almost done. We need disposal  
9 capacity of about equivalent volume to the site that we  
10 already have in order to finish the job in Oak Ridge. I  
11 want to stress several times in this presentation, this  
12 isn't purely an on-site versus off-site decision. We  
13 will be sending lots of materials off-site. Basically  
14 the materials that really require disposal in Western  
15 remote settings will be sent to that location, but these  
16 cleanup jobs generate a lot of high-volume building  
17 rubble and soil. We've used about two million cubic  
18 yards of disposal capacity already to clean up ETPP, and  
19 used roughly that amount again to finish the job in Oak  
20 Ridge. Right there is our current landfill.

21 I think to understand the needs, it's good to  
22 understand the cleanup process a little bit. So I'm  
23 going to run through a couple of slides that describe  
24 how cleanup takes place for facilities like facilities  
25 in Oak Ridge. The first step is basically to go into

1 these buildings and do what we can to remove hazardous  
 2 materials. Equipment is drained, sludges are removed,  
 3 asbestos is taken away from pipes. Most of the  
 4 hazardous material is removed from the building. That  
 5 waste is fairly highly contaminated and is generally  
 6 managed off-site or placed into storage. In the case of  
 7 the mercury that we'll be draining for a lot of  
 8 equipment at Y-12, it will be placed into storage at  
 9 Y-12 until a final disposition -- not the proposed  
 10 landfill -- is selected. So that's step one.

11 And then step two is tearing down what's left  
 12 of the building, which generally generates a very high  
 13 volume of what's called sanitary waste. Basically waste  
 14 that can go to your town municipal landfill or low-level  
 15 waste. That's waste material or building material that  
 16 has residual trace levels of contaminants that were  
 17 associated with the building's former history. When you  
 18 watch one of these, what we call, D&D jobs, you start  
 19 out with a lot of cars in the parking lot and a lot of  
 20 workers who disappear in the building for several  
 21 months, typically, because they spend so much time  
 22 getting the inside of the building liberated of its  
 23 hazardous contents. Then when that work is done, what  
 24 we call the yellow iron shows up, and the building comes  
 25 down quite quickly. You have a big volume of waste that

1 needs a quick management option.

2 And then the next step is to get the soils.  
 3 Obviously you can't get at the soils under the buildings  
 4 or immediately around the soil of buildings efficiently  
 5 until the buildings are gone. So we basically have to  
 6 get the buildings out of the way to get at the  
 7 underlying problems that exist in some cases. A lot of  
 8 these buildings had floor drains and sewer lines or  
 9 storm drain lines that received materials back in the  
 10 '40s and '50s that's been distributed into the gravel  
 11 and soil around those underlying lines, and all of that  
 12 needs to be cleaned up. That, too, generates generally  
 13 low-level contaminated waste.

14 And this is a -- one kind of macro way of  
 15 looking at the waste volumes that will be generated. In  
 16 the big picture, we're going to generate about  
 17 50 percent building rubble and 50 percent soil material.  
 18 Also, in the big picture, about three-fourths of the  
 19 material will be coming from Y-12, one-fourth will be  
 20 coming from ORNL. It's good to generate about 50/50  
 21 ratios, because what we've learned in operation of the  
 22 existing cell, the Environmental Management Waste  
 23 Management Facility, also known as EMWMF, what we've  
 24 learned from it is you have to have some amount of soil  
 25 to pack in around the chunky material, the building

1 demolition debris, so as to have a stable waste pile  
 2 that minimizes subsequent substance issues. So we work  
 3 hard to make sure that the landfill gets just the right  
 4 diet of soil and buildings. Again, we're generating  
 5 multiple waste streams as part of the cleanup.

6 The most highly contaminated material -- this  
 7 would be spent nuclear fuels, which we're actually  
 8 completely done with in Oak Ridge; chemical residues,  
 9 drained mercury, things of that sort -- are isolated and  
 10 dispositioned not in on-site disposal facilities. We  
 11 also have a large, basically, sanitary landfill. It's  
 12 very much like the municipal landfill that towns like  
 13 Oak Ridge use that can receive a lot of the material.

14 What we're focused on today is what we  
 15 consider to be the low-level contaminated material, and  
 16 that's where we need a decision, on how to manage that  
 17 volume of waste. It will be a very significant volume  
 18 of waste -- about two million cubic yards -- that's  
 19 generated as part of the cleanup program. It's a kind  
 20 of interesting statistic that while the waste comprises  
 21 about 90 percent of the volume from the cleanup program,  
 22 it possesses -- it contains less than 10 percent of the  
 23 actual contamination. The reverse is also true. The  
 24 10 percent that we remove from the buildings and  
 25 generally ship away contains about 90 percent of the

1 contamination.

2 As you saw from the film, we've been in the  
 3 landfill business for quite some time. The EMWMF has  
 4 been in operation for about 15 years, and it's got a  
 5 pretty good track record of safety. The facility is, of  
 6 course ran -- in line by all types of monitoring  
 7 systems, not just groundwater, but air and surface water  
 8 and such, and there's not really any discernible  
 9 contamination that exits the facility during the time  
 10 frame that it's been operating.

11 The basic idea behind these landfill  
 12 facilities is to isolate them from water. That's what  
 13 it's all about is trying to keep them isolated from  
 14 natural water systems and rainfall. So basically, as  
 15 the film showed, you lay in some geological liner, put  
 16 down waste, and at the end of the day cap it with a  
 17 relatively impermeable cap that minimizes the amount of  
 18 rainwater that can infiltrate down into the waste.

19 Now, it's a little fancier than that. Down  
 20 below the word "waste," we see a couple of lines. We  
 21 actually have what are called leachate collection  
 22 systems that are set up to basically capture water that  
 23 filters down through the waste, so that water is taken  
 24 away and shipped off. We'll talk about what we do with  
 25 it in a minute. But it isn't allowed to penetrate

Page 13

1 through the facility and exit the facility. The  
 2 long-term objective is to keep the waste as dry as  
 3 possible, and when you button it all up, to dry it out.  
 4 It's a technology that's been used around the country  
 5 for waste of this type. It's a -- we have a  
 6 defense-and-death approach to this. Basically, we first  
 7 try to site it in a location that's suitable for this  
 8 type of a low-level waste facility. We engineer it in a  
 9 way that it takes maximal advantage of the current  
 10 engineering to contain the waste, and then we put  
 11 monitoring systems around it and monitor it for as long  
 12 as is necessary, which is basically forever.  
 13 The cap, of course, has to be maintained.  
 14 The facility is only as safe as the long-term commitment  
 15 to maintain it properly. So that's part of what you're  
 16 committing to when you choose to build a landfill.  
 17 Now, that is the existing facility. It's  
 18 about three-fourths full; expected to fill up in the  
 19 early 2020s. Ideally, we would have a second facility,  
 20 basically an expansion of the existing disposal  
 21 capacity, in place a little while before this one closes  
 22 up, because there are operational reasons why it's  
 23 attractive to overlap their operation a little bit.  
 24 This one is now receiving its temporary cover. As we  
 25 move to the west and build the facility up, we're

Page 14

1 closing off the backside of it. As I mentioned, you  
 2 collect leachate from underneath the waste. It's piped  
 3 over to these tanks, leachate collection tanks, and then  
 4 that water is currently sent for treatment to basically  
 5 appropriate levels prior to discharge. We've also got  
 6 some water that doesn't go through the waste, or it may  
 7 touch the waste, but it accumulates generally lateral to  
 8 the waste. It can be pumped out and put into what we --  
 9 we call it contact water, but it's put into some other  
 10 ponds. It, too, is sampled, compared to whatever limits  
 11 we're being held to, and then either treated or  
 12 discharged.  
 13 An interesting statistic is that most of the  
 14 water we generate, from either as leachate or as contact  
 15 water, is quite clean. Basically, most of it meets  
 16 discharge limits as generated, and that probably speaks  
 17 to the nature of the waste that we're taking in -- not  
 18 too terribly loaded up with contamination.  
 19 So why do we think on-site disposal is  
 20 important to keep our cleanup program humming along  
 21 efficiently? Right up front, there's a huge cost delta  
 22 between taking this type of waste and managing it in an  
 23 on-site facility versus shipping it to a Western  
 24 disposal facility. We used very round numbers, but the  
 25 estimated delta in cost between on-site and off-site is

Page 15

1 around \$800 million. That's obviously a lot of money to  
 2 anybody's recollection -- anybody's reckoning of money.  
 3 It's all tax money. And we believe that, while we do  
 4 need to send a lot of material out West, the material  
 5 that we can safely manage on our own we need to manage  
 6 on our own. We don't want to take advantage of the good  
 7 graces of our Western friends and have them shut us  
 8 down, and also the availability of that money for  
 9 investing in local aggressive cleanup is not  
 10 insignificant.  
 11 Safety. Again, we think we can do this  
 12 safely. Also, we think it's important to get the  
 13 material out of the condition it's in now. We're  
 14 basically talking about a bunch of old buildings that  
 15 are exposed to the elements, overlying contamination,  
 16 which in some cases is very close to groundwater -- in  
 17 some cases, in groundwater -- many cases close to  
 18 streams. That's just not a good environmental setting  
 19 for that material. So the idea is to get it up out of  
 20 the ground and put it into an envelope where it can no  
 21 longer have impacts on water resources.  
 22 Of course there's the transportation risk  
 23 element. We're going to be dealing with a lot of  
 24 trucking however we do the cleanup. But if we have to  
 25 take the material out West, we're looking at about

Page 16

1 220,000 truckloads to a train somewhere, and then about  
 2 20,000 trainloads. So there's a lot of hazards that can  
 3 be associated with that kind of a transportation  
 4 campaign. We think we can do it safely, but it's  
 5 inevitable that there is some risk. There's just a  
 6 predictable risk associated with a big transportation  
 7 campaign, and of course there's all the fuel and the  
 8 environmental issues associated with fuels, etc.  
 9 This I already talked about. Also, between  
 10 spending money on trucks and diesel versus spending it  
 11 on our workforce here and tearing the buildings down and  
 12 digging up the dirt here.  
 13 As the slide said -- as the film said, we  
 14 started our search looking across the entire  
 15 reservation. And we actually went through this once  
 16 before. We worked with a bunch of geologists, we worked  
 17 with community groups, and ended up picking this  
 18 location right there for the first landfill we call  
 19 EMWMF, E-M-W-M-F. It's right there. It's about 70  
 20 acres of land that was dedicated by the City.  
 21 The reason we ended up in Bear Creek for the  
 22 first facility -- and the reasons that we ended up in  
 23 Bear Creek for the first facility hold true for why we  
 24 think Bear Creek Valley is the appropriate valley for  
 25 the second facility. Basically, it is most suitable

Page 17

1 from a topography, geology, and hydrology standpoint.  
 2 It seems to be the location where we can most easily  
 3 build a safe facility to contain this material.  
 4 Capacity is a consideration. We need a  
 5 facility that can get us, you know, 1.8,  
 6 2.3 million cubic yards. So we need some space to pull  
 7 that off. And then also is the kind of future land use  
 8 consideration. Bear Creek Valley is already pretty much  
 9 dedicated to waste management. That's a new, modern  
 10 facility. Come all the way out to here and everything  
 11 I'm capturing with my little line here, those are all  
 12 burial grounds from past practices, some of them dating  
 13 back to the '40s and '50s. So that's an area that's  
 14 generally been dedicated to waste management. So we  
 15 would like to keep the waste management generally  
 16 huddled around itself.  
 17 This site right here, a little bit west of  
 18 the western border of the Bear Creek burial grounds is  
 19 what the proposed plan that's been put out for public  
 20 comment proposes as the preferred site for the second  
 21 facility. There are two other locations that the  
 22 proposed plan recognizes. One is over here tucked in  
 23 between Y-12 and the existing facility, and a second one  
 24 further to the west. DOE believes that all of those can  
 25 be made to work safely, but after coordinating with our

Page 18

1 partners at EPA and TDEC, that one appears to be the  
 2 winner. So that's what we're looking at and taking  
 3 comments on. Obviously what we're interested in, in  
 4 terms of comments from the public, is where they fall  
 5 out on the on-site/off-site option. And then just hold  
 6 the (inaudible due to continued coughing by participant  
 7 standing beside court reporter) in the valley. Again,  
 8 since the Bear Creek site seems to capture the best  
 9 combination of considerations.  
 10 Off-site. There are off-site facilities that  
 11 are operating right now and that we actually use a fair  
 12 amount. One we own out in Nevada. There's a second one  
 13 up in Utah. There's actually another one somewhere in  
 14 Texas. And the alternative study that we did to support  
 15 this project looked at taking all of the material  
 16 off-site. As I mentioned earlier, it can be done. It  
 17 cost about \$800 million more. You're engaging in a  
 18 pretty big campaign for transportation if you're -- the  
 19 logical way to do it is pretty much to get it to the  
 20 closest railhead and then ship by rail from there.  
 21 Again, if we were to go this way the current railhead  
 22 that would be used would be out at the ETTP site.  
 23 That's the one that we've been working on for ten years  
 24 to get cleaned up and converted into an industrial park.  
 25 So we're not wild about the idea of turning it into a

Page 19

1 receiving location for 220,000 trucks of building rubble  
 2 and soil, but that's how you do it. You get it out to  
 3 ETTP, load it onto trains, and ship out from there. So  
 4 that is an option. It is an option we would use for  
 5 certain types of waste at a minimum.  
 6 This slide is just basically intended to  
 7 point out that we don't -- we don't build landfills in a  
 8 regulatory vacuum. There are a lot of rules associated  
 9 with how you build landfills. There are state regs for  
 10 radiological facilities, there are federal regs, there  
 11 are DOE orders, there are different landfill rules for  
 12 municipal landfills. There are lots and lots of rules.  
 13 And the rules cover almost all aspects of siting,  
 14 operating, closing, monitoring landfills.  
 15 We are in the process right now of picking  
 16 the performance standards and regulatory requirements  
 17 that will be applied to this landfill. It's a process  
 18 called ARARs, determination of applicable -- applicable  
 19 relevant and appropriate requirements, and there are  
 20 lots of them. We've got a table in the alternative  
 21 study that's available to the public that lists many,  
 22 many, many pages of requirements for this landfill. We  
 23 will have the specific requirements sorted out with EPA  
 24 and TDEC before we sign or make our decision. That's  
 25 our -- that's our plan. That's what we'll do.

Page 20

1 In addition, there are pretty -- there will  
 2 be very specific determinations on what material can and  
 3 cannot go into the facility. There are a few we're  
 4 working on the details of that with EPA and TDEC. We've  
 5 done it once before. We did it for the existing  
 6 landfill. We will probably refine that process some for  
 7 the next landfill, both because EPA and TDEC are  
 8 interested in revisiting some of the waste acceptance  
 9 criteria, and also because we're dealing with a  
 10 different waste stream. ORNL and Y-12 aren't identical  
 11 to the ETTP waste streams.  
 12 But some things we do know now, waste streams  
 13 that we will not take. This facility is being built for  
 14 Oak Ridge cleanup. It's not a facility being built to  
 15 clean up any other DOE site in another state. It's all  
 16 about Oak Ridge cleanup. It is not a facility that's  
 17 being built to receive operations waste from Y-12 and  
 18 ORNL operations. It's specifically being built for  
 19 cleanup of waste streams. It must meet all of our RCRA  
 20 standards. RCRA is a body of regulations that covers  
 21 chemically hazardous waste. And we have to meet all the  
 22 requirements for RCRA, and we will be doing that.  
 23 There will be no free-flowing mercury. A lot  
 24 of times when you look at the cleanup program --  
 25 pictures associated with the cleanup program in Oak

1 Ridge, you see people holding up flasks and jars,  
2 holding liquid quicksilver. That material doesn't go in  
3 this facility. That material gets isolated and put into  
4 storage. Now, I want to be clear. There will be trace  
5 levels of a residual mercury that's associated with  
6 equipment, associated with buildings, associated with  
7 soils underlying buildings, but we plan to do everything  
8 practicable to separate the mercury from anything that  
9 comes into this facility. But, again, to be complete,  
10 there will be trace levels. We can't put liquids into  
11 the facility. It's all about keeping it as dry in there  
12 as we possibly can. So no liquids go into the facility  
13 other than rainwater as it rains.

14 And then these other waste streams from the  
15 bottom, they're basically a collection of relatively  
16 hazardous waste streams, transuranic waste streams that  
17 last for a very long time, high-level waste streams,  
18 which are spent nuclear fuels. This category of waste  
19 does not go into the landfill. Those are materials that  
20 either by law or just by commonsense and engineering  
21 really need to be managed in either geological  
22 formations or at least in an area in the Western  
23 environment. So all that material doesn't go in the  
24 landfill.

25 Okay. A couple more slides. We have

1 issued -- this is the process for working with EPA,  
2 TDEC, and the public to figure out our fate on waste  
3 management in Oak Ridge. We've developed a proposed  
4 plan. It's a short document that's available for the  
5 public to review. There are feet of backup documents  
6 that you may or may not be interested in seeing, but  
7 it's all available at the information center down on the  
8 east end of Oak Ridge at DOE's information center. We  
9 conduct public comment on that proposed plan. So that's  
10 been ongoing for a while and continues through  
11 December 10th. Then we have a legal obligation to  
12 review and consider -- all three agencies, to review,  
13 evaluate, and then figure out how to respond to those  
14 public comments, including potential changes to our  
15 proposal.

16 If, after that has been completed, which will  
17 take place some time this winter, hopefully, we make a  
18 decision to proceed with this project, then we write  
19 something called a RCRA decision, which would be  
20 developed by DOE and submitted to EPA and TDEC for their  
21 approval, again assuming the project proceeds. And then  
22 we proceed through with the, basically the construction  
23 of the facility. We would have to do preparation of the  
24 sites, the site would be -- the areas that haven't been  
25 logged would be, road infrastructure arrangements need

1 to be put in place. Concurrent with that, we would be  
2 developing final detailed engineering designs, all of  
3 which have to be approved by EPA and TDEC. Once there's  
4 agreement on the specifics of all the things we talked  
5 about tonight -- design of the facility, what waste can  
6 go in, what regs are applicable, all of that -- then we  
7 would start construction.

8 Okay. Let's get on with the comment period.  
9 This woman right here has the toughest job in the  
10 building. She's got to try and capture anything that  
11 anybody says. So it would be helpful if people could  
12 list their name -- just state their name before they  
13 provide their comments.

14 Of course we all want to be nice to each  
15 other. We will do -- the primary objective here is to  
16 get your comments, to see what your comments are on this  
17 proposal, but of course if there are areas that would  
18 benefit from clarification, if there are information  
19 needs, we want to be responsive to that too. To make  
20 sure that anybody that wants to comment or ask a  
21 question has a chance to, we're asking people to keep  
22 their initial comments to around three minutes. We  
23 won't be super hard on that, but it would be nice if  
24 people could keep it around three minutes so everybody  
25 gets a chance to speak, then we'll come back if people

1 want to keep on talking. We'll be here until  
2 everybody's comments are heard and recorded.  
3 So with that, Brian Henry, if you'll come up  
4 here. Brian, you and I will just sit over there. Simon  
5 is going to stand right here. And we've got people that  
6 will run microphones around. If you can just raise your  
7 hand and let us know, we'll bring it to you for comments  
8 or questions.

9 Sonya Johnson is with UCOR's communications  
10 group. She's going to help keep me moving forward,  
11 watching the clock a little bit and making sure that I  
12 don't miss anybody in the audience that's raised their  
13 hands. Brian Henry is the project manager for this, so  
14 he actually has all the answers, or most of the answers  
15 on the detailed stuff. I'll sit by him and do what I  
16 can do, so.

17 I'll go ahead and put that back on the screen  
18 again. So if anybody doesn't feel like talking but  
19 wants to jot down an email address, that's their form.  
20 With that, raise your hand if you have a question or  
21 comment you would like to offer, please.

22 MS. JOHNSON: Does anyone have questions or  
23 comments?

24 MR. PADDOCK: My name is Brian Paddock. I'm  
25 an attorney. I practice environmental law in Tennessee.

Page 25

1 I'm former legal chair of the Sierra Club's Chapter of  
 2 Tennessee. I went to the TDEC open house where they had  
 3 a poster show, and their show was much different than  
 4 the one you saw in the hallway here, because basically  
 5 it showed all of the unresolved problems of this plan.  
 6 This plan has been through seven iterations  
 7 among the agencies, and you have one in which two of the  
 8 agencies that are involved with public health and  
 9 environmental protection do not agree to it and have  
 10 identified a number of very serious problems. The site  
 11 has not been properly characterized. Apparently, they  
 12 think they can build a dam -- they can build a dump  
 13 right over the top of flowing underground water. TDEC  
 14 would never allow that for the simplest garbage dump in  
 15 Tennessee. They have not got waste acceptance criteria.  
 16 They say, oh, we're not going to take this, we will take  
 17 that, so forth and so on, but those waste acceptance  
 18 criteria should have been built into this plan in detail  
 19 before this hearing was ever held so you would know what  
 20 you were really getting into and what was really going  
 21 into that.  
 22 And no final approval can ever be given under  
 23 CERCLA to a situation where that approval acts as an  
 24 approval of waste acceptance that's done after public  
 25 comments are over, after the problems begin to arise.

Page 26

1 And the representation that the current dump was  
 2 operated safely is simply untrue. Go back and read the  
 3 newspapers. It got flooded, a cell wedge broke,  
 4 radioactively affected water got off-site, a contractor  
 5 was fined. They just -- you know, they don't seem to  
 6 have learned any of the lessons of how you try to do  
 7 this as safely as possible from the first operation.  
 8 So I drove an hour and a half to have three  
 9 minutes, but I think that we're kind of wasting our time  
 10 here because they're not really telling you what they're  
 11 going to do, how they're going to do it. And I can tell  
 12 you, from talking to the solid waste people in  
 13 Tennessee, which I do frequently, that the plans they  
 14 have for both this location and the engineering, would  
 15 never be approved for an ordinary garbage dump let alone  
 16 for a hazardous waste dump. Thank you.  
 17 MR. ADLER: Thank you, Brian. As I  
 18 mentioned, we do have issues to come to closure with  
 19 with EPA and TDEC between now and the final ROD. That's  
 20 how it was done the last time too. We do have work to  
 21 do.  
 22 MR. OLSON: My name is David Olson. And I  
 23 have a simple question. You spoke that 10 percent of  
 24 the waste that you are generating is high-level waste.  
 25 So my question is: Where does that high-level waste go,

Page 27

1 and how does it get there? And it represents about  
 2 one-tenth of the waste you are generating.  
 3 MR. ADLER: If I said 10 percent is  
 4 high-level waste, I misspoke. About 10 percent of the  
 5 waste is waste that we project won't meet waste --  
 6 (microphone handed to Mr. Adler). Thanks. I'll start  
 7 over again. About 10 percent of the waste from tearing  
 8 down the buildings and digging up the dirt is projected  
 9 to be waste that won't meet waste acceptance criteria.  
 10 So it's not legally high-level waste, but it's more  
 11 contaminated than our rules would allow to be on-site,  
 12 the disposal. That material will be generally disposed  
 13 of off-site; much of it in Utah; some of it at DOE  
 14 facilities out in Nevada. But it will generally be  
 15 shipped away.  
 16 MR. OLSON: So it goes there by train?  
 17 MR. ADLER: It will go by truck and train.  
 18 MR. OLSON: So 10 percent of the waste you  
 19 are generating ultimately goes out West by truck or  
 20 train?  
 21 MR. ADLER: That's approximately the  
 22 experience we've had cleaning up ETPP, and it's what we  
 23 project for Oak Ridge National Lab and Y-12 also.  
 24 MR. OLSON: Thank you.  
 25 MR. ADLER: Thank you.

Page 28

1 MR. JONES: I am Sue Jones. I don't live in  
 2 Oak Ridge, and I don't own any property around the  
 3 reservation, so I don't know whether I'm much of a  
 4 stakeholder or not. I also really don't have a position  
 5 on what DOE is proposing here, because they hadn't given  
 6 us that much information yet, as Brian Paddock was  
 7 saying. If they want good public input, come back, you  
 8 know, later and ask, after you've got some waste  
 9 acceptance criteria or some preliminary waste acceptance  
 10 criteria. Come back after you've really got a water  
 11 table out there at the site. You know, come back with  
 12 better information and ask the public then.  
 13 So I really kind of just showed up not so  
 14 much to make comment, but to share some insight that I  
 15 have on Oak Ridge radioactive waste management. A few  
 16 of my retired colleagues and I, we put together some  
 17 information, really, on how on-site disposal or CERCLA  
 18 waste has been going here historically, and I brought in  
 19 a few copies to distribute, if anybody wants them. Some  
 20 of you folks have already seen this. I probably didn't  
 21 bring in enough copies.  
 22 And I just kind of want to conclude with kind  
 23 of a big-picture statement. It seems to me that Oak  
 24 Ridge Environmental Management, they've been kind of  
 25 occupied with reducing the visual footprint. You know,



1 it's a pretty big task just to keep the demolition  
2 going, keep the money flow going, keep the workflow  
3 going, and deal with health and safety. And I think  
4 they've done, you know, a reasonable job on that. But I  
5 think maybe they have kind of lost -- they've sort of  
6 not really examined how effective some of these actions  
7 may be, particularly effective long term in terms of  
8 protecting the health and environment and reducing  
9 releases to the environment.

10 And I'm glad to see, you know, so many people  
11 here tonight. I'm probably the only person in the room  
12 that read pretty much all the administrative record,  
13 because I date back even before some of the contractors  
14 who were writing more recent ones. So I just encourage  
15 everybody to -- I've got stuff to distribute that  
16 basically verifies some of what Mr. Paddock was saying  
17 about problems with the first facility. I think we  
18 solved a lot of problems with the first facility over  
19 time, but we don't want to set ourselves up for having  
20 to do that again in an ad hoc manner. I'm going to go  
21 to the back of the room and hand stuff out.

22 MR. WOODY: I'm Ron Woody. Of course I'm a  
23 Roane County executive and represent the Roane County  
24 constituents, a lot of them, and I notice when I go to a  
25 lot of meetings, of course, the -- very few of Roane

1 Countians are (sic) downstream. We have some in Oak  
2 Ridge/Roane County that are still upstream of this and  
3 of the Clinch River.

4 I'm an accountant. I'm not an engineer. I  
5 do not know much about landfills, other than we operate  
6 one in Roane County that's closed. And from that closed  
7 landfill, we've had the experience, of course, rainfall  
8 penetrating from the top, water coming up from the  
9 bottom. We started out with a leachate collection  
10 system with a tanker truck. We've gone to the tanks  
11 similar to what you-all have here, and now we're going  
12 to have to build a pretreatment facility on a landfill  
13 that's been closed, goodness, probably 20 or 25 years.  
14 So I know some of the basics about landfills, and I know  
15 you want to keep the water out of it.

16 We are downstream of all Oak Ridge. And  
17 that's always concerned us. So we are a stakeholder.  
18 We've had issues back during the Manhattan Project era,  
19 and then post-Manhattan, I know. And I'm really  
20 advocating to clean up the site. I appreciate the work  
21 that's been done at ETPP. I know it will help us to get  
22 what I would consider the landfill, which is in the air  
23 right now, in the ground. But, please, as you do your  
24 work, remember us. We are -- I've thought before if  
25 Knoxville was downstream instead of Kingston, you know,

1 would we be having these discussions like we are now.  
2 We -- we're in a unique position.

3 And I hate to say this, I hate to keep  
4 bringing it up, but your sister organization, TVA, you  
5 know, we are dealing with the problem that happened in  
6 2008 in the ash spill. It's back in the media today.  
7 And we find out today, as the court case has -- the jury  
8 has come back, that we were not treated like we had felt  
9 we were being treated by a government agency. I'm from  
10 the government. I'm here to help you. I mean, I work  
11 for the government. I understand some of this, but as  
12 we go through this process -- I appreciate you-all  
13 extending the time, too, so folks like myself can make  
14 some public comment, because we have a lot of other  
15 activity going on in our community.

16 So let's, if we're going to do it, and we're  
17 going to do it here, I say let's do it right. Let's  
18 work on the leachate system. You know, we went from the  
19 collection, hauling it off, to now we have to pump it  
20 off. So we go directly into a, you know, municipal  
21 wastewater system. So there's a lot of concerns that I  
22 still have representing Roane County's 52,000 residents.  
23 And just to say it again, you know -- and I've said this  
24 in a couple of venues -- as Tennessee has grown in  
25 population, Roane County has shrunk in our population.

1 Part of it is probably due to perception, part of it may  
2 be due to reality, the perception of what happened to us  
3 at the TVA Kingston ash spill, and also the perception  
4 since two of these three facilities of DOE are, of  
5 course, located in Roane County, and we're downstream of  
6 all of it.

7 We know the importance of the cleanup  
8 mission. We also know that we have 54 -- 58 inches of  
9 rainfall a year. We do not want any of the waste to  
10 escape these landfills and seep on down to us and on  
11 down to Chattanooga.

12 The good thing about the Nevada sites -- I  
13 was out there a number of months ago -- is --

14 MS. JOHNSON: Excuse me, Mr. Woody. If we  
15 could see if anybody else has a comment, and then we  
16 could come back to yours. I'm sorry to interrupt.

17 MR. WOODY: I can't do three minutes. I'm  
18 sorry. Thank you.

19 MS. HOLCOMB: I'm Darcy Holcomb, and I'm here  
20 representing EQAB, the Environmental Quality Advisory  
21 Board, with the City of Oak Ridge. And while we thank  
22 DOE for their plan that they've provided for us, we feel  
23 like that it has a number of serious flaws. We also  
24 think that CERCLA is designed more for cleaning up  
25 contaminated property, and we feel like that your



Page 33

1 preferred choice is to take a clean site, look at the  
 2 whole reservation, and you're just kind of moving the  
 3 waste around. So you will actually be contaminating a  
 4 portion of that site that we feel like has value. It's  
 5 a clean site, the central Bear Creek Valley, and that it  
 6 also -- 70 green acres is not remediation. We feel like  
 7 that's the exact opposite.

8 We also feel that the recent well samplings  
 9 indicate that the groundwater table does not meet TDEC  
 10 and EPA requirements, as noted by EPA on August 16. And  
 11 DOE says this will create jobs, but we don't feel like  
 12 that this would -- okay. We feel that this would create  
 13 jobs no matter where that waste is disposed of, whether  
 14 it's here or off-site, and we don't believe that  
 15 trashing Tennessee's future, it's not a viable jobs  
 16 program for us.

17 We also don't agree with the on-site  
 18 disposal, it is safer, because we believe that the  
 19 on-site disposal is predicated on -- well, we're saying  
 20 that transportation of every type has gotten safer over  
 21 time and, overall, U.S. motor vehicle deaths dropped by  
 22 half, fatalities dropped by a quarter. And so we don't  
 23 think that -- and DOE is known for having a good  
 24 transportation record. So they reported zero incidents  
 25 in transit, sending extremely hazardous waste 1300 miles

Page 34

1 away to the WIPP facility in Carlsbad, New Mexico.  
 2 Compared to the toxic hazards to what residents from the  
 3 ongoing leaching of the mercury into our underground  
 4 aquifers in rainy East Tennessee, off-site disposal at a  
 5 dry, unpopulated site is safer.

6 We also looked at the graph. I guess it's a  
 7 cost proposal graph. It was on, like, page 15, maybe.  
 8 We're not sure where the original figures came from, but  
 9 we believe that there are a lot of assumptions in doing  
 10 an economic analysis that weren't looked at, like a  
 11 learning curve. Most any process gets significantly  
 12 cheaper per unit as people get more productive, and  
 13 basically you say that the off-site disposal is a flat  
 14 cost over time. Bulk transportation tends to get more  
 15 mechanized and automated; economy on scale, every  
 16 process gets cheaper per unit. So we think there's  
 17 probably at least seven assumptions that weren't taken  
 18 into account when you looked at the cost of off-site  
 19 disposal.

20 We also looked at the fact that DOE has  
 21 stated at the outset in the plan, and in other venues,  
 22 that they will seek waivers for at least three  
 23 significant elements -- reducing required height of  
 24 water table, restricting maximum permissible uses of  
 25 surface water and groundwater, an exception with respect

Page 35

1 to the handling of mercury. This is like saying we will  
 2 sell bladeless knives without handles. If the site is  
 3 perfect, why are any waivers at all needed? And under  
 4 these conditions, we think RCRA is a more appropriate  
 5 process. If a private sector entity entered a deal with  
 6 the reservations like this in mind, they would be  
 7 accused of negotiating in bad faith.

8 So we just have several issues. We also know  
 9 that, like you said, there's issues with TDEC and EPA  
 10 that also need to be resolved. So I'm not even going  
 11 into that. But we feel like that there are a lot of  
 12 issues that still need to be addressed. Thank you.

13 MR. ADLER: Thank you.

14 MR. McBRIDE: Thank you. Martin McBride.  
 15 Retired from DOE and living in Oak Ridge here. Oak  
 16 Ridge is a beautiful city. And I think it's worth  
 17 mentioning the elephant in the room in all of this  
 18 discussion, which is, one of the reasons that the waste  
 19 is coming here is because nobody else in East Tennessee  
 20 is willing to take it. Now, that has a significant  
 21 economic connotation to it. The waste is not a neutral  
 22 entity in terms of the Oak Ridge economy. It's a drag  
 23 on the Oak Ridge economy. And what my two cents' worth  
 24 is, I think you folks should take the lead in analyzing  
 25 what you can do to help the Oak Ridge economy.

Page 36

1 One of the reasons that we can't get the same  
 2 money, \$8 million a year, that Los Alamos puts in its  
 3 schools is DOE does not understand how to justify that  
 4 to congress. And one of the reasons it doesn't  
 5 understand how to justify it is that DOE tends -- and I  
 6 myself have been guilty of this -- to overlook the  
 7 economic impacts on the local communities.

8 But if we rack those things up, number one,  
 9 there's a whole bunch of things that you -- your program  
 10 can do, not only to help us directly, but to set the  
 11 example for the other programs to help them. You guys  
 12 are all very, very busy, and so if you help break  
 13 through on some of these areas, they'll see how to do  
 14 it, and they'll go ahead and do it, too, and now you  
 15 have a better relationship, you have an active  
 16 partnership.

17 On the other hand, if you continue on this  
 18 path, which I read at least one of your economic  
 19 studies, and it was a regional study. The only problem  
 20 with that is you're not storing the waste all over the  
 21 region where your economic benefit is. It totally  
 22 ignored the city. If you actually focus on the city and  
 23 the things you can do to help, then you will get this  
 24 partnership. If you don't, if you just bulldoze past  
 25 the city's economy, overlooking it, you're going to burn

1 out a lot of goodwill here. And that goodwill then  
 2 means that the UPF project doesn't have any goodwill,  
 3 the nuclear programs at ORNL are not going to have that  
 4 goodwill. And it's just there's a lot of bad things  
 5 that potentially could happen down the road, depending  
 6 on how sensitive you are and how much leadership you're  
 7 willing to show here. So I think it's really important.  
 8 I've got a whole list of items and  
 9 suggestions which I will write up and submit to you.  
 10 I'll also put it in a newspaper column for other people  
 11 to see. I just think these things are easy to do, most  
 12 of them don't cost a dime, and they're things that would  
 13 make it clear that you are a partner with the community,  
 14 not just somebody coming in to exploit the fact that  
 15 we're willing to take the waste and nobody else is.  
 16 Thank you.

17 MR. ADLER: Thank you, Martin.

18 MR. POWELL: So my name is John Powell, and I  
 19 am a resident of East Tennessee, also employed at Oak  
 20 Ridge National Laboratory. To be clear, I'm not  
 21 associated with the cleanup program at Oak Ridge  
 22 National Lab. I'm associated with the scientific side  
 23 of the house.

24 As most people here know, Oak Ridge National  
 25 Lab, for 75 years almost to the day, has been one of

1 to ship the waste across the country, that means a lot  
 2 less cleanup will happen. And that is not in,  
 3 certainly, the Oak Ridge National Laboratory's best  
 4 interest. We need to make sure the dollars are spent  
 5 wisely, while properly assuring safety and protection of  
 6 the environment.

7 So with that in mind, my comment is that I  
 8 support a properly engineered and designed landfill here  
 9 in Oak Ridge to support the cleanup program and help  
 10 ensure the scientific mission of the laboratory can go  
 11 on for at least another 75 years. Thank you.

12 MS. ROBINSON: Thank you for the opportunity  
 13 to speak. I'm Wendy Robinson. I've met both of you  
 14 before. I'm here because my parents live on Tuskegee  
 15 Drive in Oak Ridge, and I've lived here most of my life.

16 The residents I believe that Dave mentioned  
 17 that were about one kilometer from the EMDF are my  
 18 parents, and there are about ten households on that  
 19 street. And that's a concern, obviously, because I  
 20 think the recommended distance is two kilometers, but  
 21 that's just a detail, and I'm not a scientist.

22 But my main concern is the well water issue.  
 23 Those residents are on well water. And, you know, they  
 24 realize the site is probably going to happen. And we  
 25 all support Oak Ridge, and that's a definite. But I

1 this country's leading scientific institutions. There's  
 2 a lot of important scientific work that goes on there  
 3 and needs to continue to go on there, and the  
 4 laboratory's future does depend on having an effective  
 5 and an efficient environmental cleanup program.

6 As, Dave, as you've said, a lot of progress  
 7 has been made in Oak Ridge cleaning up some of the  
 8 reservations, certainly K-25, but much work remains to  
 9 be done in the cleanup program at ORNL. We have almost  
 10 100 buildings, maybe more than 100 structures, that are  
 11 still in existence at the laboratory that are surplus to  
 12 the science need, and they need to be demolished. Not  
 13 only are these buildings in the way of new science  
 14 facilities to do new missions, but many of them do have  
 15 hazards. The buildings need to be demolished in a safe  
 16 and efficient way, and the waste from that demolition  
 17 needs to be managed in a safe and efficient way. And  
 18 some of that waste would be suitable for on-site  
 19 disposal in a properly engineered and designed landfill.

20 So I've been working in Oak Ridge for almost  
 21 35 years. I've worked at all three of the sites. I  
 22 understand the magnitude of the cleanup program that has  
 23 to still go on. But I also have worked with DOE for 35  
 24 years, and I understand that cleanup dollars have to be  
 25 spent efficiently. If we're going to spend \$800 million

1 think the request on the table would be just to ask DOE  
 2 to be reasonable about making these residents whole and  
 3 maybe just supply a waterline to their house for city  
 4 water. That's all I have. I think the residents have  
 5 expressed that, but we just wanted to make that clear  
 6 again. Thank you.

7 MR. ADLER: Thank you.

8 MS. JOHNSON: Leslie, there's a lady right  
 9 here waiting.

10 MS. DALE: Thank you for the opportunity to  
 11 make some comments. My name is Virginia Dale. I am an  
 12 environmental scientist. I am also chair of Advocates  
 13 for the Oak Ridge Reservation, which is a 20-year-old  
 14 organization that was established by the citizens to  
 15 protect the reservation for diverse reasons --  
 16 scientific research, economic development, history,  
 17 education, recreation. We want this community to  
 18 thrive, and we want it to be better. And we know DOE is  
 19 doing a good job, as best they can, we hope, to protect  
 20 the environment; however, we have grave concerns about  
 21 this plan. We think it's a bad document, and it's a bad  
 22 plan, frankly.

23 This was set up under CERCLA to have this  
 24 dump site, and as we understand it, after checking with  
 25 some attorneys, CERCLA cannot have a new job set up

Page 41

1 under a prior organization without -- with a prior plan,  
 2 the prior CERCLA effort, without going through a whole  
 3 new process. This would set a new precedent for CERCLA,  
 4 and all the lawyers in the United States should be  
 5 concerned about new precedents when they occur.  
 6 It's been clearly made evident that dry is  
 7 better, but here we are in East Tennessee, 54 inches of  
 8 rain, a karst environment. This is not the ideal place  
 9 to put this material. I do agree with that. We think  
 10 that the waste sites out West that are asking for  
 11 material should be having the opportunity to take more  
 12 of the material. They would provide jobs in trucking  
 13 and train, and they would create a better economic  
 14 environment for Tennessee.  
 15 I am trying to sell a house in Oak Ridge, and  
 16 one of the people that came through recently asked me a  
 17 whole lot of questions about wastes that are here. They  
 18 did not buy in Oak Ridge. They moved to Crossville  
 19 instead. As we understand it, there has been  
 20 mismanagement of the existing dumps, what filled up too  
 21 fast. It took material that was misclassified, and it  
 22 took material that was not designated for this type of  
 23 waste dump that's there. So we have no confidence that  
 24 the future site, if it's put in place, would be managed  
 25 properly.

Page 42

1 TDEC has made clear that it wants further  
 2 time to evaluate the site. Less than a year is not  
 3 typical practice for this kind of activity, and yet they  
 4 have less than a year of data available. Twenty years  
 5 ago ACOR was part of a land-use plan that was put in  
 6 place to help plan for things like the existing dump,  
 7 and a plan was made, and this site was set aside as  
 8 greenfield. Now, contrary to that plan that a number of  
 9 stakeholders in this community were a part of, that is  
 10 not happening.  
 11 We will put these comments in writing, but we  
 12 ask you not to sacrifice East Tennessee or this part of  
 13 the -- of our national government and resources for what  
 14 could be a resource for the waste to go out West and to  
 15 keep people in East Tennessee valuing this beautiful  
 16 environment. As a person who's grown up in Tennessee, I  
 17 love being here, and I wish more people would realize  
 18 what a great place it is and that we can take care and  
 19 be responsible for those problems that were created 75  
 20 years ago. Thank you for your efforts.  
 21 MR. ADLER: Thank you.  
 22 MR. WATSON: Good evening, everyone. My name  
 23 is Mark Watson. I'm the city manager of Oak Ridge, and  
 24 not knowing -- I did not know the format tonight, so I  
 25 have a very long presentation, but I think I will -- I'd

Page 43

1 like to take a couple of the highlights of that, and I  
 2 will pass this on to the recorder, as far as my comments  
 3 today.  
 4 First off, we appreciate everything that  
 5 you-all have done. I have been talking with Mr. Adler  
 6 for five years now on this project and as we move  
 7 forward. We recognize the mission, we recognize  
 8 everything that is going on within the Department of  
 9 Energy, and its needs.  
 10 We have continuously tried to express the  
 11 concern for the community and the community impacts as  
 12 we go along. We are not at the table. This is a  
 13 decision that is made by the Environmental Protection  
 14 Agency, the Department of Energy, and the State  
 15 Tennessee. Most recently, I think, the Department of  
 16 Energy has received comments from TDEC. We support  
 17 those comments. I think they are well thought out, and  
 18 all of the initiatives that they talked about should be  
 19 carefully considered in what we look at as we move  
 20 ahead. We're appreciative of their interest because  
 21 they do represent Tennessee, and ultimately us.  
 22 A couple of the things that we have added in  
 23 our process is, as we've looked at the technical  
 24 challenges of the landfill, is to look at how we can  
 25 remediate, and a couple of observations that we've added

Page 44

1 on to the proposed plan. We think the landfill site  
 2 testing needs to be looked at, or selection, and provide  
 3 further data collection efforts. I think there's  
 4 particular concerns with the -- with the shallowness of  
 5 the water table and what those effects might be. And  
 6 those characteristics are important. You've heard from  
 7 some of the other speakers on characterization of the  
 8 waste and getting that out front. We would -- we would  
 9 certainly concur with that. But as we look at the -- at  
 10 the water streams that may be in the hill, we want to  
 11 look at that. I've looked at a libar (phonetic)  
 12 photograph, and it is very, you know, very informative  
 13 as to where we go.  
 14 We finally go down to the aspect of the  
 15 mercury waste. And mercury is a scary thing. We don't  
 16 really know how it is handled. It doesn't necessarily  
 17 go into a magic box and then it comes out all right. I  
 18 think more information on what that process is when you  
 19 have residual waste in a building, how does that -- how  
 20 does that affect us? Tearing down buildings affects the  
 21 City of Oak Ridge. When we look at an incident that  
 22 occurred on K-25 where technetium ended up in the city  
 23 sewer system, and we're still hauling that waste away  
 24 four years later. I think those kinds of things need to  
 25 be looked at. What happens if we do have a release?

Page 45

1 And if it's going downstream to Poplar Creek, we face  
 2 the EPA. Not the DOE; we face the EPA. And if that  
 3 gets into our wastewater plant, then I have the \$10,000  
 4 a day fines.  
 5 Just -- and this is a serious matter, because  
 6 as of today we received a filing by Tennessee River  
 7 Keepers out of Alabama, and they have sued the City for  
 8 stormwater overflows and sewer discharges that have  
 9 occurred in the past, based on public records. So we  
 10 need to look at what those impacts are on the community.  
 11 MS. JOHNSON: Sir, can we see if someone else  
 12 has a comment, and then you can continue?  
 13 MR. WATSON: I would like to do that.  
 14 MS. JOHNSON: Okay. Does anybody else have a  
 15 comment? There's a lady back here.  
 16 MS. COOK: My name is Alfreda Cook, and I am  
 17 a resident of Oak Ridge, also a retiree of one of the  
 18 DOE facilities here. So I've been around here for quite  
 19 some time.  
 20 What I had hoped to see at this presentation  
 21 was more of, this is what we would like to do. Okay.  
 22 And these are the positives for the reasons that we have  
 23 selected this approach, and these are the negatives that  
 24 we have looked at that caused us to go in this  
 25 particular direction.

Page 46

1 This was a great overview, but I spent a  
 2 couple of days actually going through the proposed plan  
 3 and looking at some of the other documentation that  
 4 supported it, and it would really have been great to  
 5 have seen and heard the negatives that have been looked  
 6 at, and such that those would be juxtaposed against the  
 7 positives.  
 8 We, as citizens, tend to not know the  
 9 technical reasons for things that occur, and we depend  
 10 on our regulatory agencies to tell us. I need to be  
 11 convinced that this is the right approach. And what I  
 12 have seen and heard thus far, I'm really not convinced.  
 13 I'm not for, and I'm not against, the EMDF. It's just I  
 14 don't have anything that is pushing me in that  
 15 direction.  
 16 Now, one thing that is what I think is the  
 17 elephant in the room has to do with the groundwater.  
 18 And if you look at the drawings for the proposed  
 19 placement of the EMDF, you're looking at tributaries  
 20 that are all around that particular site. The  
 21 groundwater table is very shallow. What happens if  
 22 there is a breach in the liner at the bottom of the  
 23 cell? Okay. Is there a plan for -- an emergency action  
 24 plan for collecting that discharge that's at the bottom?  
 25 Suppose that there is a tremor that causes the karst and

Page 47

1 the limestone to have a problem around this facility and  
 2 we end up with a sinkhole, what is the emergency plan?  
 3 Things like that I'm not hearing, and I really do think  
 4 as citizens that that's what we need to know is what is  
 5 the emergency remediation if something does not go  
 6 according to plan. Thank you.  
 7 MR. ADLER: Could I offer a quick response to  
 8 that? Basically we do have to have a plan. As part of  
 9 the design of the facility, we'll have to design a  
 10 monitoring plan that would be put in place to detect any  
 11 type of problems like that, if they developed, and then  
 12 we have to have a corrective action plan. So if there  
 13 were to be a release from the facility in the future, we  
 14 would have a regulatory obligation to detect it and  
 15 respond to it. The engineering details of that would be  
 16 something we would have to work out in a collaboration  
 17 with EPA and TDEC, but we're not allowed to release and  
 18 not respond to it.  
 19 MS. COOK: That was Question A. Question B:  
 20 Do we have any remaining unlined burial grounds that in  
 21 the future may need remediation? The reason that I'm  
 22 asking that question is, would there be capacity in this  
 23 EMDF for unplanned remediation activities? Now, I know  
 24 that when we planned for the EMWFMF it was for a  
 25 particular total capacity, looking at cleanup of ETPP

Page 48

1 and some cleanup at ORNL and Y-12. All right. Now  
 2 we're looking at major cleanup at ORNL and Y-12. Is  
 3 there any excess capacity in this new facility for  
 4 emergency cleanup of other areas?  
 5 MR. ADLER: There is. We basically plan a  
 6 volume contingency. When I talk about 2.2 million cubic  
 7 yards, that's all the waste we know we have, plus a  
 8 contingency factor. There are unlined disposal trenches  
 9 on the reservation that have not had final decisions  
 10 made on them yet. There are some in Bear Creek Valley.  
 11 So, yes, there is space. Should we decide to dig those  
 12 up and relocate them to the landfill, there would be  
 13 space for some.  
 14 MS. SMITH: I'm Ellen Smith. I'm a resident  
 15 of Oak Ridge and a member of the Oak Ridge City Council  
 16 and a professional environmental scientist now retired  
 17 from Oak Ridge National Laboratory. I have academic  
 18 background in hydrogeology and professional experience  
 19 in landfill siting and design and other aspects of  
 20 radioactive hazardous waste management.  
 21 It seems to me that this particular proposed  
 22 landfill represents a breach of some of the trust,  
 23 mainly the Department of Energy in the Oak Ridge  
 24 community. We in Oak Ridge are well aware that the  
 25 amazing and important work that was done here over the

1 years left a complex legacy of waste and contamination  
 2 that needs to be managed. In spite of the difficulties  
 3 of managing waste in this environment, we do understand  
 4 that much of the legacy material here will remain in the  
 5 ground where it is forever. Needs to. And the federal  
 6 government will need to be permanently responsible for  
 7 that material. We also understood that the federal  
 8 government accepted legal and moral responsibility for  
 9 environmental remediation here, but cleaning up the  
 10 legacy as much as possible and preventing the future  
 11 spread of contamination.

12 Back in the 1990s, community members who had  
 13 studied the situation here agreed that a sensible way to  
 14 manage a lot of the lower hazardous waste material used  
 15 during cleanup would be to consolidate it and contain it  
 16 within an area of the Oak Ridge Reservation that was  
 17 already permanently dedicated to waste management due to  
 18 its past history. That agreement, as we've heard  
 19 tonight, led to creation of the EMWMF, which was --  
 20 which people expected was going to serve all of the  
 21 needs of future cleanup.

22 Now, 20 years later, basically, language in  
 23 the DOE proposed plan seems to try to imply that the new  
 24 proposed landfill is to dissolve that earlier agreement,  
 25 but as I see it, it isn't. First, this landfill is

1 outside the bounds of areas that were already dedicated  
 2 to waste management, to the clean area, we heard  
 3 tonight. Establishing this landfill will increase the  
 4 area dedicated to waste management by not only the  
 5 70 acres the landfill will occupy, but a much larger  
 6 area of unknown size that surrounds it.

7 And as has been mentioned, and something that  
 8 I emphasize, the landfill is being proposed not as a  
 9 landfill, but as a Superfund cleanup action. As a  
 10 cleanup action, it's not required to comply with the  
 11 normal environmental regulations that would apply if a  
 12 new landfill was being sited for any other purpose. The  
 13 landfill, as currently proposed, is one that could not  
 14 be built if it had to comply with normal environmental  
 15 laws and regulations. It wouldn't be suitable as a  
 16 nonhazardous use of the landfill without various waivers  
 17 that are being requested to waive regulations related to  
 18 groundwater and modify water quality criteria, among  
 19 other things. And it wouldn't -- a normal landfill  
 20 wouldn't be allowed to operate for several decades,  
 21 after it was initially approved, without continuing  
 22 regulatory oversight, which this landfill would not  
 23 have. That's a procedural requirement that a Superfund  
 24 action is not required to comply with.

25 DOE probably wouldn't be seeking a new

1 landfill this soon, if space in the existing one had  
 2 been used responsibly. As others have suggested, waste  
 3 was not characterized adequately before disposal, so a  
 4 good fraction of what was disposed in the EMWMF probably  
 5 was clean, and possibly could have been managed at other  
 6 sites, preserving some of the waste for the higher  
 7 hazardous material that the EMWMF was designed for. The  
 8 fact that DOE won't tell us yet what the waste  
 9 acceptance criteria for this landfill would be -- that  
 10 is, what would go into it -- is consideration that  
 11 limits potential public confidence in DOE's decision.

12 Another concern that I think is a breach of  
 13 trust is that this landfill would introduce contaminants  
 14 into the watershed at Bear Creek that aren't currently  
 15 part of the contaminate burden in that particular  
 16 watershed. Specifically, there would be a significant  
 17 amount of mercury. We don't know if that mercury would  
 18 be treated before it would go into the landfill, and a  
 19 number of radionuclide, numerous radionuclide, that  
 20 exist at ORNL but are not found at the Y-12 facility,  
 21 and thus would require a significant new level of  
 22 monitoring and management, if they're introduced at the  
 23 Bear Creek watershed.

24 There are also some serious technical issues  
 25 in this proposal. The diversion structures, the gravel

1 drains, the pipes, the liners, the caps that are all  
 2 part of the sophisticated design to manage water in and  
 3 around this proposed landfill unfortunately can pretty  
 4 well be expected to fail at some time over the long  
 5 term. Collectively, their life expectancy is probably  
 6 decades, not centuries, and certainly not perpetuity.  
 7 This landfill isn't something that DOE can walk away  
 8 from after it's depleted. There's a long-term  
 9 requirement for stewardship and continual maintenance.

10 The waste sites that we're discussing in the  
 11 Western states, those three sites -- I include the one  
 12 in West Texas on that list -- have the capacity to  
 13 accept this kind of material, are permitted, licensed,  
 14 and so forth, to accept it, are far more physically  
 15 suitable to management of this kind of waste, they're in  
 16 places where nobody lives, and there's such very, very  
 17 little rain, and it happens that under federal law those  
 18 sites are going to become the legal responsibility of  
 19 the Department of Energy after they're filled up. So  
 20 DOE is responsible for them already, leading to the  
 21 question of why would we want to create a new waste  
 22 site, if you're already responsible for those others,  
 23 which are going to be easier to manage in the long term  
 24 than this site here in East Tennessee.

25 MS. JOHNSON: Excuse me, ma'am. Can we come

Page 53

1 back to you?  
 2 MS. SMITH: Okay.  
 3 MS. JOHNSON: We need to get --  
 4 MS. SMITH: No problem.  
 5 MS. JOHNSON: We need to get to other folks.  
 6 UNIDENTIFIED SPEAKER: I came to -- I came  
 7 here to a PR event -- was that September 13th? Is that  
 8 correct? Sorry. Oh. It was the one before that that  
 9 you hosted. You explained to me that, at that time,  
 10 that it would cost us \$800 million to ship all of this  
 11 stuff out West, where you acknowledged it would be a  
 12 much better place to store it, where it would be much  
 13 more stable. It's very arid out there, unlike here.  
 14 And you said that -- you know, you talked about all the  
 15 CO2 that that would generate, all those hundreds of  
 16 thousands of truckloads and all the traffic fatalities  
 17 that that would entail, and I later asked you -- you had  
 18 a slide on that earlier, in the early part of your show,  
 19 and I later asked you if it wouldn't make a lot more  
 20 sense just to ship it by rail, and you said, "Oh. Of  
 21 course we'd ship it by train." But it didn't sound like  
 22 you really had a plan figured out very well at that  
 23 point. What was the plan?  
 24 MR. ADLER: If we were to rely exclusively on  
 25 outside disposal, the plan would involve a mixture of

Page 54

1 truck and rail traffic. For the long haul, from  
 2 somewhere in Oak Ridge to it's Western disposal sites,  
 3 it would be a train arrangement.  
 4 UNIDENTIFIED SPEAKER: Right.  
 5 MR. ADLER: We would use trucks to get it to  
 6 the train in Oak Ridge somewhere.  
 7 UNIDENTIFIED SPEAKER: Right. But there  
 8 wouldn't be many highway fatalities.  
 9 MR. ADLER: That would --  
 10 UNIDENTIFIED SPEAKER: It's on a dedicated  
 11 road within the reservation, right?  
 12 MR. ADLER: Right. What we've done in the  
 13 past is always use roads that we've built specifically  
 14 for this purpose on the reservation.  
 15 UNIDENTIFIED SPEAKER: Yeah, and that makes a  
 16 lot of sense.  
 17 MR. ADLER: And trains from there. You know,  
 18 there are transportation risks associated with trains,  
 19 and there's transportation risks associated with trucks.  
 20 We do have a pretty successful record on our  
 21 transportation, but there are statistical probabilities  
 22 associated with any transportation mode.  
 23 UNIDENTIFIED SPEAKER: I also asked you  
 24 about the cost of shipping all that stuff out to places  
 25 where it could be more safely stored long term. And you

Page 55

1 acknowledge that it would be more expensive long term to  
 2 keep it here, but you also said that the DOE has a  
 3 yearly budget, and so you needed to do something that  
 4 was cheaper short term. But that's sending an awfully  
 5 big bill to us and our children and our grandchildren, I  
 6 mean, forever, which is how long you said this would  
 7 have to be maintained for. That's a very long time.  
 8 And if it costs more to maintain it here than it would  
 9 in a place where they actually wanted it, then, you  
 10 know, that, you know, would end up costing us much, much  
 11 more long term, would it not?  
 12 MR. ADLER: The \$800 million figure is the  
 13 difference in cost between managing it locally, the  
 14 material that would be kept here versus being shipped  
 15 out West. The \$800 million more out West. So it's  
 16 not -- it is more expensive to get it out West. There's  
 17 no avoiding the cost of transporting it out there.  
 18 UNIDENTIFIED SPEAKER: Even multiplying the  
 19 cost of maintaining it here forever times infinity?  
 20 MR. ADLER: Right. I'm not an economist, but  
 21 you have to get into discount values and time value of  
 22 money and all that stuff, but it is more expensive to  
 23 take it out West because of the unavoidable cost  
 24 associated with transportation. It's true that in  
 25 either location you have to maintain it. And it's true,

Page 56

1 as somebody commented, that we're in the business of  
 2 managing sewage out West and here. We will be doing  
 3 both, but those are costs that are unavoidable.  
 4 UNIDENTIFIED SPEAKER: Okay. Thank you.  
 5 MR. GUSTAFSON: My name is Larry Gustafson.  
 6 I'm a retired aerospace and automotive engineer, and I  
 7 represent myself and my family and Oak Ridge, not by any  
 8 responsibility given to me, but I love my neighbor. My  
 9 neighbors are also downstream. And none of my relatives  
 10 are downstream, but I care and love those people  
 11 downstream. You are going to have accidents.  
 12 And, by the way, thank you very much for  
 13 putting on this gathering. I appreciate that very much.  
 14 I didn't know anything about this until I got something  
 15 in the mail, and I do appreciate that.  
 16 My question is along the line of this  
 17 particular site you currently have, how long has that  
 18 been in existence? Fifteen years. Has any other site  
 19 identical to that been in existence anywhere in the  
 20 country or in the world? Just one little question I had  
 21 first, please.  
 22 MR. ADLER: There are facilities that have  
 23 been around longer than that. There are facilities in  
 24 Missouri and Ohio and out West with a roughly similar  
 25 design that have been longer -- in place for 10 to 20

Page 57

1 years longer. Of course there are disposal facilities  
 2 that have been around for as long as people have been  
 3 disposing of garbage, but these more modern designs came  
 4 into play beginning in the '60s and '70s.  
 5 MR. GUSTAFSON: Okay. And the new one you're  
 6 planning on is an improvement on the old one, correct?  
 7 MR. ADLER: It's more similar to it than  
 8 different. The preferred site would allow us to avoid,  
 9 or at least minimize the use of any underdrains to  
 10 convey groundwater out from underneath the site. But in  
 11 terms of the basic design, dikes, leachate collection,  
 12 liners, impermeable cap, that would all be pretty  
 13 similar. There have been some lessons learned from the  
 14 last facility, and we want to always take advantage of  
 15 what we learned to do better the next time around. But  
 16 it's pretty similar to that facility.  
 17 MR. GUSTAFSON: Lessons learned is a result  
 18 of lack of perfection in the previous design. And that  
 19 means someone downstream wants perfection, and I expect  
 20 perfection, and there's no way anybody is going to have  
 21 perfection in whatever you're planning. It is not a  
 22 negative against you. Don't get me wrong, please. I'm  
 23 not attacking. But it is not going to work. In the  
 24 end, there are going to be mistakes. There are going to  
 25 be people downstream with their health and the

Page 58

1 environment being damaged in ways we have no idea  
 2 because science can't even determine what that is today.  
 3 So if it's 15 years or 60 years, that's not 1,000 years,  
 4 that's not 2,000 years. We have no idea how to predict  
 5 what a failure here is going to do to someone  
 6 downstream, and I mean in time also. So I would have to  
 7 say right now, based on some of the comments -- I'm  
 8 assuming all these comments that have been generated by  
 9 these wonderful people, great knowledge, far beyond what  
 10 I have for this kind of environment, I think I would  
 11 never support anything that's being done anywhere near  
 12 Oak Ridge.  
 13 And the one comment about an earthquake,  
 14 yeah, I had the same question. Other comments that were  
 15 brought up in here, I've got the same questions from the  
 16 beginning of this conversation here. I cannot support  
 17 going on with this thing. You'd have to be too perfect  
 18 in order -- nobody expects anyone to be perfect, but you  
 19 have to be that in order to guarantee the health of the  
 20 environment and especially the people downstream. Thank  
 21 you very much. I appreciate your listening.  
 22 MR. ADLER: Thank you.  
 23 MS. JOHNSON: Okay. So, Mr. Woody, do you  
 24 want to continue your comment?  
 25 MR. WOODY: No.

Page 59

1 MS. JOHNSON: Mr. Watson?  
 2 MR. WATSON: Yes. Thank you. Let me just  
 3 kind of finish out a couple of things. As we continue  
 4 to go through this process, I want to encourage that the  
 5 communications people work very closely in monitoring  
 6 what's said or how it's said. We've all heard about the  
 7 Oak Ridge residents glowing in the dark and those types  
 8 of things. And, you know, I just did a quick internet  
 9 search. Everything that we put down is in the paper  
 10 these days. And when we label a low-level waste  
 11 landfill and it comes out Oak Ridge nuke dump, it  
 12 becomes really hard for me to attract new industry and  
 13 reindustrialization of ETTP without being able to look  
 14 at those and how our message is conveyed out to  
 15 neighboring communities.  
 16 And I'll share a story with you, too, a short  
 17 one, that we had the possibility for our neighboring  
 18 cities to the south having a large brewery located in  
 19 that city. And it boiled down to two cities, one in  
 20 North Carolina, and down south in the Alcoa/Maryville  
 21 area. That prospect -- the prospect discussed the  
 22 situation and tried to make a final decision, and  
 23 discussed that the spouse had said, "Have you looked up  
 24 north? Oak Ridge is to the north. We should go to the  
 25 other site." And that's 600 jobs and hundreds of

Page 60

1 millions of dollars that were lost in the East Tennessee  
 2 region. So what we say here, what it's couched at  
 3 really becomes important for economic development. We  
 4 don't have to be completely nuclear oriented with what  
 5 we build in our economy, and I think that's important to  
 6 keep in mind. So as we move forward in what's listed  
 7 and commented on, I think we've got to be careful with  
 8 that.  
 9 Finally, what would the City like to receive  
 10 out of this? I am concerned about -- I am concerned  
 11 about the City's wastewater system. And when we disturb  
 12 these buildings and it shifts and then there's an  
 13 eight-inch rainfall that goes along with that, we need  
 14 to be careful as to what that impact may be upon the  
 15 City's system. We have to be compliant with the Clean  
 16 Water Act, and we've invested millions of dollars.  
 17 We're looking at a \$44 million water plant that's coming  
 18 along with that. But I think that we would like the  
 19 State of Tennessee and the EPA and DOE to give us some  
 20 protections for anything that may be released in any  
 21 final order or final agreement that comes along.  
 22 We presently receive compensation in the form  
 23 of a PILT payment for DOE lands within here. If we  
 24 create a low-level waste landfill, that's going to be  
 25 here permanently, let's put it on at a proper value for



Page 61

1 a landfill and add that into the community base, as far  
 2 as the City is concerned.  
 3 A couple more comments that are in here.  
 4 I'll just give that to the lady over here. And we  
 5 appreciate being here tonight, and we'll have some  
 6 further written comments. And if there are any  
 7 questions on what we've submitted, please give us a  
 8 call.  
 9 MR. ADLER: Okay. Thanks, Mark.  
 10 MS. JOHNSON: Ms. Smith, do you want to  
 11 continue with your comment?  
 12 MS. SMITH: Yes, briefly. I wanted to  
 13 conclude that Oak Ridge was promised a cleanup back when  
 14 the environmental management program started up. We  
 15 weren't promised a new waste site on clean land. That's  
 16 what we're looking at right now. That's not good for  
 17 the -- that's not good for the environment. It's not  
 18 good for the community, as Mr. Watson has pointed out.  
 19 We have significant negatives that result from the  
 20 public's perception that this community is welcoming a  
 21 new waste site when, in fact, many have very little say  
 22 in this particular decision. We have the opportunity to  
 23 talk to you tonight, but we don't have any veto power  
 24 over what you're proposing.  
 25 I wish that we could get this material

Page 62

1 handled in -- if it's going to be handled here, it  
 2 should be handled in a previously contaminated area. We  
 3 shouldn't be trashing clean property and the city's --  
 4 the community's needs for assistance in dealing with the  
 5 burdens of dealing with the opportune costs, in  
 6 particular, that we receive as a DOE host community need  
 7 to be given better consideration.  
 8 MR. McBRIDE: Martin McBride. I would just  
 9 like to second the comments made by Mr. Watson and  
 10 Ms. Smith. I was in a meeting not too long ago over in  
 11 Knoxville, a training session. After the training  
 12 session a group of folks were sitting around talking,  
 13 maybe three or four people sitting in a group near me,  
 14 and the discussion was who -- why wouldn't you want to  
 15 live in Oak Ridge, and their consensus was because they  
 16 didn't want to live near all the nuclear waste,  
 17 particularly on the west end of Oak Ridge. I live on  
 18 the west end of Oak Ridge. I don't share their  
 19 concerns, but that is part of the bad publicity that the  
 20 nuclear presence unfortunately generates. And I think  
 21 the idea that you're starting from a neutral economic  
 22 spot by putting a waste site here in this community is a  
 23 false idea, which is why I, again, urge you to look for  
 24 ways to partner economically with the City so we kind of  
 25 balance this stuff out. Thank you.

Page 63

1 MR. ADLER: Thank you.  
 2 MR. PADDOCK: Thank you. Brian Paddock. On  
 3 your website, you have a description of CERCLA and how  
 4 it's supposed to work, and it has been noted, and I, as  
 5 an attorney, I agree that it is not suitable for  
 6 actually managing the disposal of the hazardous waste  
 7 that CERCLA and the Superfund law intend to deal with.  
 8 And I think one should not overlook these requirements  
 9 where the State and you are to pick out which of the --  
 10 which of the State's regulations, which of other federal  
 11 regulations are to be applied here; for example, the  
 12 standards for a hazardous waste dump site and how it's  
 13 to be monitored and how it's to be supervised.  
 14 The other thing the CERCLA sheet says is that  
 15 community involvement is critical to CERCLA, and it has  
 16 this in a little box. And it says, "DOE has established  
 17 a 30-day comment period during which time local  
 18 residents and interested parties can express their views  
 19 and concerns on all aspects of the plan." We don't have  
 20 all aspects of the plan. "DOE has scheduled a public  
 21 meeting to discuss cleanup alternatives and to address  
 22 questions the public may have." And it says, at the  
 23 end, "Upon timely request, DOE will extend the public  
 24 comment period by an additional 30 days."  
 25 Now, let's look back at how we got to this,

Page 64

1 which is that originally the comment period was going to  
 2 be from the beginning of early September to  
 3 December 10th. Then you were going to have a hearing on  
 4 October 18th, which you canceled on very short notice.  
 5 Luckily, I had not started traveling when I got that  
 6 word. And now you have this at the very end of a  
 7 period, and you've made your best case here, but you're  
 8 certainly not being fair to the public when you say,  
 9 well, we used up most of that time for public comment,  
 10 without giving you any particular information except the  
 11 whole plan if you wanted to read it, and then say from  
 12 now on get this to us by December 10th. You're not  
 13 going to do anything over Christmas with what we say on  
 14 December 10th, if we file it at the deadline, and you're  
 15 not going to get down with the TDEC people, and you're  
 16 not going to get with the EPA people and resolve all  
 17 these uncertainties and unknowns. So I suggest you go  
 18 ahead and extend the comment period. And I suggest,  
 19 further, that for those of us that are concerned enough  
 20 to have commented here tonight you email us each time  
 21 you have made progress and have specifics about what you  
 22 are doing about things like the waste acceptance  
 23 criteria and the other issues that have been raised  
 24 here. Thank you.  
 25 MR. ADLER: Thank you.

Page 65

1 MS. JOHNSON: Anybody else with questions or  
 2 comments?  
 3 UNIDENTIFIED SPEAKER: I would just like to  
 4 second what Brian said. Today, the day after election  
 5 day, when many of us are exhausted by a long campaign  
 6 season, including several of our public servants who are  
 7 here today, probably several more who would be here if  
 8 they weren't exhausted, it would make a great deal of  
 9 sense to extend the comment period. I, for one, was  
 10 completely involved in the campaigns until the early  
 11 hours of this morning. I didn't have time to put  
 12 together any kind of a rational comment, and I would  
 13 appreciate having time to do that. Thank you.  
 14 MR. ADLER: Thank you.  
 15 MR. SIFORD: My name is Mike Siford. I'm  
 16 not -- I'm just a resident of Oak Ridge. I'm not any  
 17 big technical. I'm a computer guy. But my question is,  
 18 is that you have this liner system, that you have this  
 19 rock -- the rock, soil, and clay liner, and you have a  
 20 geo deposit, and whatever else it is. I don't know.  
 21 Has this been tested? I mean, have you set up a test on  
 22 this for, you know, the extremes that it can withstand?  
 23 Has anybody tested this theory? I mean, seems to me  
 24 that you just put a bunch of ground stuff together and  
 25 stuffing the waste in the middle of some stuff, and then

Page 66

1 you're just capping it off. It doesn't seem like  
 2 anything has really been tested or anything has been  
 3 looked at. I mean, like I said, I'm not -- you know,  
 4 some of these scientists here are, you know, far above  
 5 my knowledge, but it just looks like, you know,  
 6 something that you would do at a racetrack whenever  
 7 you're trying to get rid of all the oil and transmission  
 8 fluid.  
 9 MR. ADLER: So, yes, there's a lot of testing  
 10 that goes on. These engineering methods have been  
 11 tested in a range of environments. And, actually, as  
 12 the facility is built, if built, tests are done to  
 13 assure the quality and performance of the different  
 14 liners as they're put down. So there's a lot of testing  
 15 that goes on in these types of facilities when they're  
 16 built. We're not taking waste oil and liquids. This is  
 17 purely dry material that would be allowed to be put into  
 18 the facility. You've got a basic approach to doing  
 19 this. It's something that's been done a lot. And,  
 20 again, as the different systems are put in place,  
 21 they're tested to make sure they perform as expected  
 22 prior to continuing with the work.  
 23 MS. JOHNSON: Okay. It's after 8:00. I know  
 24 we were set to end at 8:00 in respect of your time. If  
 25 no one else has questions or if you want to continue,

Page 67

1 are you --  
 2 MR. ADLER: I just have a couple of closing  
 3 comments, I guess, if there are no additional questions  
 4 or comments. Dale.  
 5 MR. RECTOR: Yeah. My name is Dale Rector,  
 6 and these guys probably dread me standing up, but here I  
 7 am. I worked with the State of Tennessee for 30 years,  
 8 and most of it trying to oversight the Oak Ridge  
 9 Reservation cleanup; and before that, as a biologist,  
 10 seems like, forever. But, anyways, one of the things  
 11 that they presented was a regulatory process that seemed  
 12 to just have a proposed plan on it. Some of you have  
 13 already noted that it seems to be an awkward way to  
 14 build a landfill under CERCLA, which is ordinarily a way  
 15 to basically clean up discrete areas that are  
 16 contaminated without the red tape of having to go  
 17 through permitting.  
 18 And so -- but what the typical CERCLA process  
 19 has, leading up to a proposed plan, is remedial  
 20 investigation, and a feasibility study, which there are  
 21 five drafts of that that have not been, as far as I  
 22 know, resolved. The DOE is supposed to do a composite  
 23 analysis that not only considers the performance of this  
 24 particular facility, but in combination with other waste  
 25 areas around it. We should have had access to all this

Page 68

1 information here at least for the first time, but  
 2 probably before the meeting. And a performance  
 3 assessment, which evaluates how well the engineering  
 4 design and the intrinsic safety of the site, which  
 5 there's very little here to give you the hydrogeology  
 6 conditions; in combination perform under a waste  
 7 acceptance criteria, which we also don't have. Okay.  
 8 We don't have that to discuss.  
 9 EPA, by this time, should have a risk  
 10 assessment for us to look at, which we don't have that.  
 11 And under NEPA there should be some equivalency that  
 12 considers all the things that people have talked about  
 13 and the community concerns. And so that's some things  
 14 that we should have had in hand before we came here  
 15 tonight. The proposed plan is something that you have  
 16 to discuss and evaluate and consider after you've had a  
 17 look at all these other things. So that's all I've --  
 18 that's all I've got to say. Thanks.  
 19 MS. SMITH: Ellen Smith again. I have a  
 20 question and a comment for people here. I'll start with  
 21 a comment for folks here. Just a point of information.  
 22 The location of this facility is not adjacent to the  
 23 Tuskegee Drive area that was mentioned. It's actually  
 24 across the ridge from the Country Club Estate  
 25 subdivision of Oak Ridge. And in connection with that,

1 I'm aware that the Country Club Estate's situation was  
 2 mentioned in discussions with the DOE Site Specific  
 3 Advisory Board, and SSAP members recommended that that  
 4 subdivision have some sort of community outreach as a  
 5 part of the process of reviewing the proposed plan. So  
 6 I'm wondering if that's happened to date, or if that  
 7 still needs to be scheduled.

8 MR. ADLER: I'm unaware of a specific  
 9 outreach we've made to Country Club Estates yet, but we  
 10 certainly can do that, making sure they're aware of the  
 11 proposal, and if they have any special insight or  
 12 thoughts on how we should proceed.

13 Anybody else? Okay. If there is nobody else  
 14 that would like to say anything or ask any additional  
 15 questions, I would like to thank all of you for coming  
 16 out tonight. This is an important part of the process.  
 17 We've heard a lot of things that we need to think about  
 18 and respond to. This process will not be rushed.

19 A couple of things I want to press on is that  
 20 we are doing this in coordination with a couple of  
 21 oversight agencies and in full view of the public. All  
 22 the information -- we always have to struggle with what  
 23 level of information to present at these public  
 24 meetings. There are feet and feet of documents  
 25 available for public review. If people have an interest

1 in understanding some of those five graphs that Dale  
 2 mentioned or groundwater conditions or anything else  
 3 associated with the project, those books are all open.  
 4 We can help you look through the books, but the books  
 5 are all available for public review. You can contact  
 6 myself or John Michael Japp, who is listed there, if you  
 7 would like to get some more information.

8 I think we also learned a little bit about  
 9 some specific areas. I've heard a lot of interest in  
 10 the waste acceptance criteria discussion. We'll be  
 11 following up on that too. We're open to finding the  
 12 right forum and the right process for answering  
 13 questions people may have about the continued  
 14 development of waste acceptance criteria should we  
 15 proceed with this project. So we're not done.

16 I guess with that, again, thanks to everybody  
 17 for coming out. And we will take all the comments and  
 18 come up with an appropriate set of responses to all of  
 19 them and be available for continued interaction as the  
 20 project matures. So thank you-all for coming out, and  
 21 have a safe trip home.

22 (Thereupon, the public meeting was concluded at  
 23 8:25 p.m.)

24  
 25

CERTIFICATE

1  
 2 STATE OF TENNESSEE )  
 3 COUNTY OF KNOX )

4 I, Marsha Moore Basista, RPR (prv), LCR (LCR  
 5 #526) for the State of Tennessee, do hereby certify that  
 6 I reported in machine shorthand the foregoing  
 7 proceedings; that the foregoing pages were transcribed  
 8 by computer-aided transcription and constitute a true  
 9 record of said proceedings; and further certify that I  
 10 am not an attorney or counsel of any of the parties, nor  
 11 an employee or relative of anyone connected with the  
 12 action, nor financially interested in the action.

13 IN WITNESS WHEREOF, I have hereunto signed  
 14 same this the 7th day of November, 2018.

15  
 16  
 17 Marsha Moore Basista, RPR (prv), LCR  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25