

Hot Topics in U.S. DOE Environmental Management

*Update from the Office of Regulatory Compliance
~Waste and Materials Disposition ~*

**WM'09
Phoenix, AZ**

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EM Environmental Management

safety ❖ performance ❖ cleanup ❖ closure

Office of Regulatory Compliance (EM-10)

- The Office of Regulatory Compliance:
 - Responsible for EM matters related to environmental responsibilities defined by law, regulation or negotiated or stipulated compliance agreements
 - Leads efforts to develop strategies for dispositioning EM wastes and materials and for complying with applicable regulations, and supports implementation of the EM disposition projects
 - Performs oversight of compliance with DOE Order 435.1 on Radioactive Waste Management
 - Serves as EM's National Environmental Policy Act (NEPA) Compliance Officer
 - Serves as the interface with stakeholder groups within and outside the Department
- EM remains focused on providing complex-wide leadership in management and disposition of DOE waste streams and compliance with applicable environmental laws and regulations.

Implementation of the American Recovery and Reinvestment Act requires extensive work with DOE's regulators and detailed disposition planning.



Compliance Status

- DOE has entered into approximately 40 Environmental Regulatory Agreements for cleanup
 - In FY 2008, we met nearly 90 percent of nearly 200 enforceable milestones
 - For FY 2009, there are more than 160 Enforceable Milestones
- The FY 2009 Budget Request identified that some compliance requirements could not be met due to funding or technical issues
 - Job creation through the *American Reinvestment and Recovery Act* may also bridge some of this compliance gap
- Recent successes:
 - Resolution of the long standing legal issues with Idaho on buried TRU waste at Idaho National Laboratory
 - Proposed Hanford Tri-Party Agreement (TPA) milestone modifications associated with groundwater, the River Corridor, and the Central Plateau negotiated by DOE, USEPA, and Washington State issued for public comment
 - Successful multi-agency negotiation with NY, EPA and NRC to define terms of future cleanup at West Valley (“Core Team Approach”)
- Current challenges:
 - Litigation by WA regarding missed TPA milestones related to the Hanford liquid waste tanks and the Waste Treatment Plant



DOE's radioactive waste management priorities....

- Continue to manage waste inventories in safe, compliant manner
- Address high risk waste in a cost-effective manner
- Maintain and optimize current disposal capability for future generations
- Develop future disposal capacity in an complex environment
- Promote the development of treatment and disposal alternatives in the commercial sector
- Review current policies and directives within DOE
- Provided needed oversight



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What's New in LLW/MLLW Disposition...

- New DOE mixed low-level waste (MLLW) disposal capacity is being evaluated
 - The current Mixed Waste Disposal Unit at NTS must close in December 2010
- NTS low-level operations met the challenge in FY08, disposing of several large waste streams from Savannah River and Portsmouth
- Complex-wide Acquisition for LLW/MLLW Treatment
 - Draft Request for Proposals issued February 3, 2009 for public comment (due mid February).
 - Website for procurement:
http://www.emcbc.doe.gov/MLLW_treatment/index.html
- DOE has started preliminary planning for LLW/MLLW disposal acquisition



DOE EM is also closely monitoring changing circumstances in the nation's civilian LLW management system

- Reduced disposal access for Class B & C wastes
- Calls for changes to Low Level Waste Policy Act
- Possible increased disposal demand to address disused sealed sources
- Changes in disposal marketplace
 - Developments in Texas compact (Waste Control Specialists)
 - Changes in treatment capabilities
- Contemplated changes in NRC waste classification systems and waste related guidance documents
 - Branch technical position on concentration averaging
 - Updated guidance on storage of B&C wastes

What's New in TRU Waste Disposition

- In March 2008, DOE published a Supplement Analysis and Amended Record of Decision to support optimization of the National TRU Program
 - Limited volumes of both CH- and RH-TRU waste may be sent to Idaho National Laboratory to be treated and characterized prior to shipment to WIPP for disposal.
 - Approximately 2,067 CH-TRU shipments and 188 RH-TRU shipments could move to INL for treatment and characterization
 - **However, DOE will continue to comply with the Idaho Settlement Agreement terms and milestones**
- Implementation of the inter-site shipping campaign began in December 2008 with shipment of legacy TRU from NTS to INL.
- American Reinvestment and Recovery Act will enable acceleration in disposition of RH-TRU volumes

What's New in HLW...

- Newly awarded contracts to address tank waste management and treatment
 - New Tank Operations Contractor at Office of River Protection
 - New Liquid Waste Contract award at Savannah River is pending
- High Level Waste Corporate Board established in 2008
- Recent performance assessment work on tank farms completed at SRS and in process at Hanford
- HLW strategic initiatives under development, led by EM's Office of Engineering and Technology, and supported by DOE sites and national labs

What's New: EM's New Mercury Management Project

- *The Mercury Export Ban Act of 2008* requires DOE to provide storage and long-term management of mercury (non-radioactive) generated in the U.S.
 - Responsibility has been assigned to EM, with EM-10 lead
- **Critical Milestones Required by Statute**
 - DOE issues procedures and standards – 10/01/09
 - DOE designates mercury storage facility(ies) – 01/01/10
 - Mercury storage facility ready to accept mercury – 01/01/13
 - Ban on export of mercury from U.S. effective – 01/01/13
 - DOE mercury storage facility operating under RCRA permit – 01/01/15
- **Current Status**
 - Established Interagency Steering Committee with EPA and Defense Logistics Agency
 - Issued Expression of Interest in FedBizOps and Federal Register
 - Developed a NEPA strategy for facility(ies) designation



In closing...

- EM has 20 years of progress and experience in safely managing radioactive wastes and nuclear materials
 - We solve problems that once seemed unsolvable
- DOE missions and many US initiatives rely on the DOE waste management system
 - Commercial industry plays a significant role in DOE's waste management system
- A strong partnership with our regulators, stakeholders and industry is required to maintain and support the DOE waste management system
- The *American Reinvestment and Recovery Act* will result in accelerated cleanup and increased waste and materials disposition challenges
- EM's Office of Regulatory Compliance, through its ongoing and planned initiatives, is poised to support these activities

