



Long Term Environmental Protection



The Department of Energy (DOE) should fulfill its responsibility for the huge quantities of contaminated water and soil created by nuclear weapons research, development and testing. Instead, DOE is trying to walk away from these environmental obligations by transferring unclean properties to other federal agencies, underfunding necessary monitoring and maintenance at many sites, and failing to analyze adequately the costs of immediate cleanup versus the costs of long-term monitoring and surveillance. As a result, many local communities will be forced to cope with the burden of these sites. DOE's negligence threatens the futures of workers, neighbors, and others who live downwind and downstream.

For example, DOE signed a contract with the state of Missouri providing for long-term maintenance at the Weldon Springs site. After conducting a \$900 million cleanup, building a seven-story dirt pyramid capping 1.5 million cubic yards of uranium contaminated waste, and opening an interpretative center, DOE pulled out of the agreement. Cleaning the contaminated groundwater will take at least another two years, and monitoring will be required essentially forever.

At the Rocky Flats plant in suburban Denver, DOE is planning to clean up only the top three feet of plutonium-contaminated soil. Contaminated pipes will be left in the ground. Permanent long-term monitoring and surveillance is necessary because the cleanup is incomplete. Nevertheless, DOE expects to turn the site over to the U.S. Fish and Wildlife Service to use as a refuge. Other former

nuclear weapons production facilities are slated for transfer to the Army Corps of Engineers and the Bureau of Land Management.

At sites with continuing missions, DOE is not incorporating a Long-Term Environmental Protection (LTEP) perspective into many of its activities. Responsible stewardship should include land-use controls, maintenance, monitoring, surveillance and information management, as well as compliance oversight and emergency response contingency plans, all incorporating effective public participation. As the National Research Council (NRC) of the National Academy of Sciences noted in its August, 2000 report *Long-Term Institutional Management of U.S. Department of Energy Legacy Waste Sites*, "DOE should plan for uncertainty and fallibility."



The agency's 2002 draft Long-Term Stewardship Plan is both unduly optimistic and

not integrated with current policies. It fails to heed the core message of the NRC report: "No plan developed today is likely to remain protective for the duration of the hazards. Instead long-term institutional management requires periodic, comprehensive reevaluation of those legacy waste sites still presenting risk to the public and the environment to ensure that they do not fall into neglect and that advantage is taken of new opportunities for their further remediation."

DOE intends to leave more radioactive wastes behind in tanks and soils under its "Accelerated Cleanup" program without any realistic plan to protect the public from future contamination.

Instead of such reckless policies, DOE should learn from its past environmental disasters and integrate long-term environmental protection into all its decisions, regulations and orders.

- * Select remedies that protect the long-term safety and health of the community and of the environment surrounding the DOE facility.
- * Consider all aspects of establishing, maintaining and funding LTEP activities during the remedy selection process.
- * Compare the costs of immediate cleanup with those of long-term monitoring through independent cost-benefit analysis.
- * Clean up facilities to a level that allows unrestricted use and avoids the need for LTEP whenever possible.
- * Where full cleanup to unrestricted use is not practical due to current technical constraints, include details of a complete protection plan in remedy decision documents.
- * Aggressively pursue new clean-up technologies for sites where contaminants are slated to remain in place.
- * Fully characterize, document, and disclose the location of all residual contamination.
- * Place complete records of contaminants on file with regional libraries and state archives.
- * Compensate local governments for the costs of emergency response staff, training, protective equipment, and retention of information about the nature of remaining contaminants.
- * Adopt financial assurance mechanisms to ensure adequate funding for long-term environmental protection.
- * Design contingency plans at the time cleanup decisions are made.

LTEP activities at each site should include distribution of health information to the public and local public health providers. Materials should include educational fact sheets and databases about possible diseases related to contaminants. In addition a health-monitoring plan should be developed with full public participation in affected communities.

When land-use restrictions such as fences are part of the remedy, DOE should monitor and maintain the site. If property is ever transferred to another entity, DOE should require monitoring for compliance with the same restrictions. Effective public participation must be included in any process to develop policies and regulations on property transfers.

DOE should be responsible for a site in perpetuity unless a new owner has altered the property or violated a restriction in a manner that releases contamination. If a subsequent property owner ever becomes insolvent, liability should revert back to DOE.

In its FY 2004 budget request, DOE proposed creating an Office of Legacy Management to provide a single point of contact for sites where cleanup work has been completed. The new Office's functions will include LTEP at DOE facilities where cleanup measures have been "substantially" completed. This proposal fails to include long-term funding, accountability to Congress, and provisions for continued stakeholder involvement in decision-making regarding long-term environmental protection.

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