Cleanup - Addressing Nuclear Weapons' Environmental Legacy

More than fifty years of nuclear weapons production has caused serious environmental degradation throughout the Department of Energy (DOE) complex. Radioactive and toxic contamination has already damaged the health of thousands of DOE workers and people living near its facilities. It has put at risk crucial natural resources, including water. DOE began to address the environmental harm its policies have caused only after years of public pressure. Its Environmental Management (EM) program was established in 1989. The majority of major DOE sites were added to the Superfund list of the most contaminated places in the country in the 1990s, and all are undergoing some level of remediation.

Recommendations:

* DOE must comply with all environmental laws and cleanup agreements that have been accepted by regulators and the public.

* Cleanup goals must focus on removing radionuclides and hazardous chemicals to reduce long-term risks and be established with full public participation, not be imposed based on arbitrary time and money constraints.

* Where full cleanup to unrestricted use is not practical because of technical constraints, adequate long-term plans and financial assurance mechanisms must be implemented.

Almost from its inception, DOE's Environmental Management program has been a target for "reforms," some motivated by a desire to protect the nation's resources from nuclear pollution but most resulting from appointment of new EM management teams. All reform efforts have focused on "faster, cheaper cleanup." The quite predictable result of spending less money and less time is less cleanup.

DOE's latest plan is an extension of its "accelerated cleanup" formula launched in 2001 when the Bush Administration announced a goal of shaving $100 billion from the government's own estimates of the cost of nuclear weapons cleanup.

The linchpin of DOE's new tack is its Risk-Based End States "visions." The most salient characteristic of the new "end state visions" is that the department is fundamentally redefining the future of many of its sites, and it is doing so unilaterally and arbitrarily. Once DOE has chosen a new end state, it can re-tailor a risk assessment that leaves more waste behind and requires less real cleanup. If current environmental laws, regulations, or legally binding agreements with states stand in the way of the new vision, there is every indication that DOE will try to bully changes through Congress or past regulators.

No one would argue that DOE cleanup has thus far been perfect. Regulators and environmental activists across the country continue to try to improve it. That effort has been proceeding within a framework that considers risk assessments (which are always liable to some level of manipulation depending on what "givens" are used), community values, and legal agreements. The framework has been built over years of discussion and compromise among DOE, its regulators in the Environmental Protection Agency, host states, and people who live near the sites.

Accelerated cleanup plans allow hazardous practices from the past to continue. An unlined pit at Hanford, Washington.

At the Fernald, Ohio, site, for instance, DOE pledged to clean the Great Miami Aquifer, and the local residents agreed to accept a permanent on-site disposal "cell" surrounded by an undeveloped park. In Idaho, all sides agreed that the vast majority of the DOE site there—2/3 the size of Rhode Island—would eventually be clean enough for people to live on. DOE would maintain control for 100 years, primarily to allow adequate time for very challenging cleanup projects designed to protect the 10,000-square-mile aquifer that flows beneath the site and is the only source of drinking water for much of southern Idaho. In California communities pushed regulators to legally require DOE to clean up the Lawrence Livermore National Lab to a fairly high standard because of expected population growth nearby.

Under the Risk-Based End States rubric, DOE will break its promises. The plan in Ohio is to pump polluted water from the aquifer and pour it—untreated—into the Great Miami River.

In Idaho DOE now claims it will maintain control of its site "forever," theoretically eliminating its obligation to address the most significant pollution and contradicting a court settlement DOE signed with the state. In California the cleanup standards will plunge.

DOE is also engaged in similar activities in several other states, including South Carolina, Tennessee, Kentucky, Washington, Nevada, and New Mexico. The plans to reduce cleanup goals by changing agreed-upon "end states" are accompanied by what DOE calls "variances." These are lists of the laws, regulations, and legally binding agreements that will have to be amended or renegotiated to allow DOE to abandon more nuclear pollution across the country. The variances lists are much like the Pentagon's wish list for environmental exemptions. The long-term result will be the same: substantial reduction of environmental protection from some of the federal government's most dangerous activities.

For the most part, regulators and stakeholders have been shut out of DOE's process to redefine the level of pollution their states and communities will have to contend with in the future. Because of their significant resistance, DOE has agreed to spend a few months listening to their concerns. But the end result of DOE's plan to change the rules of the game rather than engage in a good faith effort to resolve its serious environmental challenges is perfectly predictable: less cleanup and more long-lived risk. Also predictable is a rising level of conflict with state and federal regulators and people living near DOE sites, which will include litigation and other initiatives to stop dangerous and illegal plans.

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