

November 29, 2021

Mr. William “Ike” White
Senior Advisor
Office of Environmental Management
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Re: Local Government Recommendations on the EM Strategic Vision 2021 – 2031

Dear Senior Advisor White,

Thank you for taking the time to speak with, listen to, and engage with the frontline local governments adjacent to Department of Energy (DOE) sites that have a cleanup mission regarding the Office of Environmental Management’s (“EM”) [Strategic Vision 2021-2031](#) (“Strategic Vision”). Attached is a detailed outline of our recommendations on the Strategic Vision.

As we discussed, our communities play a critical role in the cleanup process and local elected officials have a fundamental responsibility to protect the health, safety, quality of life, and economic future of the community – a responsibility they share with DOE. Given the direct impact of DOE decisions on frontline communities, ECA members recommend that future iterations of the EM Strategic Vision include:

- An outline of opportunities for local government partnership and engagement in DOE decision-making.
- Plans to improve and mitigate environmental justice and climate change impacts in frontline communities hosting and adjacent to DOE sites.
- Commitment to regular interaction with local governments to ensure alignment with communities’ future vision for DOE cleanup sites.
- An annual scorecard to measure progress towards EM goals outlined in the Strategic Vision.

If you have any questions or would like to discuss any recommendation further, please contact Sarah Templeton by email (saraht@energyca.org) or by phone at (202) 828-2410.

Sincerely,



County Executive Ronald Woody
ECA Chair

cc: ECA Board of Directors

Seth Kirshenberg, Executive Director

Combined Intergovernmental Working Group (ECOS, NGA, STWG, NCSL, and NAAG)

Local Government Recommendations on the EM Strategic Vision 2021-2031

The following are Energy Communities Alliance's comments on the EM Strategic Vision 2021:

I. *EM Engagement with Frontline Communities and Opportunities for Partnership*



1) The Strategic Vision should identify how EM plans to engage with local governments and communities in cleanup and ensure their involvement in medium- to long-term decision making.

All sites are cleaned up to a risk level based on community input, acceptance, and understanding; potential future land use; and potential future impacts to the health of frontline communities and the environment. DOE must regularly and directly engage with local governments to have the most current understanding of cleanup issues and their impacts on the community. Community acceptance of the cleanup and the risk issues over a ten (10) year period will define how and whether DOE will proceed with the current cleanup plan at the site.

The Strategic Vision should incorporate community priorities, proscribe regular EM engagement on these priorities and identify if the established risk level for the cleanup is still relevant to the community. The document should also identify how DOE managers and officials at the sites themselves will undertake these activities with the local government.

At the Mound site, for example, the community identified the redevelopment of Mound as foundational to its future. Accordingly, all cleanup activities were geared towards ensuring the

site would be available for economic redevelopment. However, during the latter stages of cleanup, disagreement occurred over the risk of a historic landfill and the cleanup program at the site changed which changed DOE's plans. Through community organizations, local governments created a forum to work with DOE to jointly identify their interests and develop strategies for accomplishing mutual goals. This engagement with the local community was critical to the ultimate success of cleanup at Mound. This case (and others) demonstrates that cleanups evolve, additional sites and new risks may be identified, and DOE must continue to work with communities to achieve cleanup success.

- 2) To facilitate better integration with activities of other DOE offices (especially where another DOE office is the landlord at a site), the Strategic Vision should identify how EM works with other DOE program offices including NNSA, Office of Science, LM, and NE at each site.**

As EM looks to the future of cleanup, many parties will be involved and will need to develop working partnerships. For example, the Savannah River Site (SRS) will need to handle multiple waste streams, especially relating to pit production, and would like to see EM collaboration with NNSA and other offices. This is especially important given EM is often reliant on the DOE program office managing a site for many of the services that support the cleanup and the ability to complete the mission at the sites.

In the case of the Savannah River Plutonium Processing Facility (SRPPF), NNSA is the lead program office. Per previous Environmental Impact Statements related to SRPPF, existing waste management facilities at SRS (an EM site) would be used to support SRPPF operations. SRPPF would generate approximately 2,200 to 2,840 cubic yards of low-level waste annually, which would normally be disposed of at SRS. In addition, significant quantities of transuranic waste could be generated at SRS and shipped to the Waste Isolation Pilot Plant (an EM site) for disposal. SRS and other communities should be able to rely on EM to collaborate across DOE program offices and create partnerships that will ultimately benefit the community.

At Oak Ridge, the President's past budgets have identified moving the ETTP (former K-25 site) site to LM. However, the collaboration between LM and EM is unknown to the communities at this point as well as how such a transfer would occur (timing, cost, changes in management, etc.). ECA assumes that this may occur in the next 10 years and how EM plans to deal with these types of issues with the site landlords or EM is critically important to the communities as it may impact how the communities look at risk and cleanup levels.

Further, most cleanup sites are managed by a different office as landlord at the site. We know there is a lot of work at the sites across the offices that are located at a site. The collaboration or sometimes the conflicts that arise should be a focus of management and should be outlined in the Strategic vision as it greatly impacts the success of the mission.

- 3) The Strategic Vision must identify that EM will continue to evaluate risk-based approaches for addressing high-level waste, including making disposal decisions based on radiological content and clarifying the high-level waste definition to safely expedite cleanup and save taxpayer money. The flexibility to apply lessons learned and consider**

new technologies after 30 years of cleanup across the complex builds trust among the communities that have become *de facto* interim storage sites, and conveys that EM and DOE are taking a holistic approach to cleanup, prioritizing public and environmental health of those that have long hosted the country's nuclear missions.

The successful pilot campaign at SRS demonstrated the safe packaging, transportation, and disposal of waste where the high-level waste interpretation was applied. This success should be highlighted as a major win for EM, and DOE should continue these efforts at SRS as well as expand them to address disposition of orphaned high-level waste streams in Idaho, Washington, and the West Valley Demonstration Project.

- 4) The Strategic Vision should address how EM can engage local governments in remedy selection in accordance with CERCLA requirements (when requested by the local governments). Similarly, if a site is a RCRA lead, the Strategic Vision should identify mechanisms for increased local government input in remedy selection.**

The Village of Piketon adjacent to the Portsmouth site and other local governments in the area have requested to be involved in remedy selection at the site several times, but have not yet been invited by DOE to engage in the cleanup. For years DOE did not engage the community around Portsmouth to the level that it engaged with other communities around the country. DOE EM has made this community a priority over the past year.

To be inclusive of this frontline community and others, the Strategic Vision should address the importance of how DOE engages and more importantly will engage over the 10-year period with local governments in remedy selection even when not explicitly provided for by law. This issue is regularly raised to DOE but the community, if it does not push DOE and the regulators, is not able to directly engage in the remedy selection with the state, EPA and DOE unless it makes a claim pursuant to [CERCLA Section 120\(f\)](#) at NPL sites or if DOE and the state permit engagement of the community.

- 5) The Strategic Vision should focus more on workforce transition and workforce training initiatives. EM should consider partnering with other DOE program offices (NNSA, Office of Science, NE) to meet future workforce needs and leverage the expertise of EM's workforce for other industries supporting nuclear energy.**

It is essential for EM to further its STEM programs and workforce development efforts to continue the EM environmental cleanup mission and to support the development of new nuclear technologies. For example, the N3B and Northern New Mexico College apprenticeship program trains students in the EM cleanup mission at Los Alamos National Laboratory, and recently received permanent status from the New Mexico Department of Workforce Solutions. The students leave better positioned to pursue advanced degrees in STEM fields and energized to reinvigorate the nuclear workforce. Programs like these should be further developed across the DOE complex in collaboration with educational institutions.

II. Improve and Mitigate Environmental Justice and Climate Change Impacts in Frontline Communities Adjacent To DOE Sites

- 6) **The Strategic Vision needs to identify for the first time how EM plans to integrate frontline communities into the Administration’s environmental justice directive.¹ Decisions made at sites during cleanup – such as releasing environmental contaminants into the air, leaving contamination in place, constructing new landfills that are not accepted by the community, or using carbon-emitting energy sources – directly impact frontline communities. The Strategic Vision should also identify how EM will review previously made decisions that impact human health and the environment and the impact on frontline communities.**

ECA has identified in this report and others how to successfully engage with local governments.² The Strategic Vision needs to lay out EM’s plan for integrating environmental justice issues for frontline communities into its program and for engaging local governments in the process.

- 7) **As part of DOE’s 2021 Climate Adaptation and Resilience Plan, DOE aims to “enhance climate adaptation and mitigation co-benefits at DOE sites.” To that end, EM’s Strategic Vision should reflect plans to engage directly with local governments in frontline communities in pursuit of shared goals.**

EM should work more broadly with DOE to identify opportunities to offset climate impacts, such as in the case of the Direct Feed Low-Activity Waste (DFLAW) program at the Hanford site. DFLAW is slated to begin between 2024 and 2026. As part of that project, the Heat Plant will also start operation and will require (at full capacity) 45,000 gallons of diesel each day, producing CO₂. Given the Administration’s target of achieving a 50-52 percent reduction from 2005 levels in economy-wide net greenhouse gas pollution in 2030,³ DOE should consider other integrated options to offset the climate impacts of the DFLAW program, or consider alternative sources of clean energy, particularly as the community has already demonstrated interest in new advanced nuclear projects as part of meeting similar State clean energy goals.

- 8) **EM is a large purchaser of power. The Strategic Vision should highlight whether EM will begin to prioritize the purchase of utilities from carbon-free sources at its sites, and how EM will work with local utilities.**

The Hanford DFLAW program demonstrates the opportunity for EM to seek out and prioritize clean energy sources at its sites. EM has been successful at some sites in integrating clean energy into its program. Several ECA communities are investing in nuclear power and other clean power sources and would like to see EM be customers of these projects.

¹ Exec. Order No. 14008, 86 Fed. Reg. 7619 (January 27, 2021).

² To read ECA reports on how to successfully engage with local governments, please visit <http://www.energyca.org/publications>.

³ White House. (2021). *President Biden’s leaders summit on climate* [Fact Sheet]. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/23/fact-sheet-president-bidens-leaders-summit-on-climate/>.

- 9) **EM currently provides direct funding for tribal communities for oversight, air and water testing. The Strategic Vision should identify if similar resources will be provided to local governments in DOE’s frontline communities, especially where the local government has asked for this capability.**

The local governments adjacent to the Portsmouth site, for example, have requested funding to assist the local governments in its oversight capacity and environmental testing. The Strategic Vision should identify that EM has independent third parties at sites – or will provide resources for – analyzing and confirming information reported by DOE. It is helpful for the communities to understand and see the data from both parties (when available) in order to maintain acceptance of DOE reports.

- 10) **Over the next decade, decisions made about the Natural Resource Damage Assessment (NRD) process will directly impact the cleanup of many DOE sites and specifically frontline communities. The Strategic Vision should identify how DOE will begin to include local governments in Natural Resource Damages discussions.**

The communities adjacent to several communities have requested inclusion in NRD discussions between the state, DOE and certain native American tribes and pueblos. In Nevada, for example, the state has already started talks about NRD and local communities do not have a seat at the table for these conversations. The Strategic Vision should identify how local communities will be involved in NRD discussions, as well as the potential costs for NRD over the next decade and how continued cleanup operations will be impacted.

III. Engaging Regularly with Local Governments Based on the Communities’ Future Vision for DOE Cleanup Sites

- 11) **The Strategic Vision should identify how EM will continue to shrink its footprint to decrease overhead costs and identify (with input from frontline communities) opportunities for the conveyance of land no longer needed by EM to local communities for reuse.**

For example, communities located near the West Valley Demonstration Project have identified land they would like conveyed for reuse. The Strategic Vision should promote the return of unneeded land to local communities (including Community Reuse Organizations) and establish steps for further successful land transfers, such as those that occurred at Oak Ridge, Hanford, and SRS.

- 12) **EM should identify how the Strategic Vision impacts employment at sites, along with the contractor and federal workforce, especially at sites where cleanup is expected to be complete.**

This is especially important given EM’s aging workforce.

- 13) **EM has identified its aging workforce – with a significant portion eligible, or soon to be eligible, for retirement – as a critical issue. The Strategic Vision should further address**

how EM will manage a changing workforce, due both to retirement and cleanup completion.

- 14) Current cleanup communities should have opportunities to be involved in research and demonstration of new clean energy technologies and other nuclear projects. Given their existing relationships with DOE, shared infrastructure, and community knowledge, the Strategic Vision should establish how EM plans to coordinate locally with communities to support ongoing economic transition and diversification.**

An example to consider is the opportunity to create synergy between the Idaho Cleanup Project and the Idaho National Laboratory (INL) based on existing relationships, shared infrastructure, community know-how and interest in nuclear projects. INL recently announced it is accepting applications for its 2022 technology-based economic development grants, with a mission to stimulate economic development and support new business growth and entrepreneurship throughout Idaho. Efforts such as this should be promoted at facilities across the DOE complex.

- 15) In the coming decade, EM will receive new sites and DOE's mission at certain sites will evolve. DOE will have to manage new long-term liabilities created for frontline communities at these sites. The Strategic Vision should plan for the addition of new sites and direct DOE offices to work to address cradle-to-grave liability issues for local communities.⁴**

Unexpected issues emerge regularly during the cleanup process, such as the discovery of contamination at the Middle DP Road Site in Los Alamos. The Strategic Vision should plan to the extent possible for the unexpected and incorporate a framework for addressing these kinds of events.

- 16) Emerging contaminants, such as PFAS, are being identified at DOE cleanup sites. Some number of these contaminants will require regulation to mitigate potential impacts to the health of communities adjacent to sites. The Strategic Vision should address how DOE will manage the immediate and long-term impacts of these emerging contaminants on local communities.**

The discovery of emerging contaminants will continue to be an issue across cleanup sites. The Strategic Vision should verify that these contaminants will be appropriately addressed.

- 17) The Strategic Vision should clarify how long-term stewardship will be integrated by EM and implemented by LM if land is conveyed to LM. Currently, communities are unsure how EM will integrate long-term stewardship into the cleanup plans for a site, or how the LM will have the capacity to manage large EM sites.**

All sites are cleaned up to accepted risk levels, necessitating long-term stewardship measures to protect the health, safety, environment, quality of life, and economic future of the sites'

⁴ This recommendation may also address DOE's support for the Administration's environmental justice directive.

communities. The remedy selection needs to identify the mechanisms and activities of long-term stewardship and ensure that they are in place after cleanup is complete.⁵

18) As EM enters a new era of cleanup, the Strategic Vision should highlight new educational opportunities and identify how they may be promoted in DOE’s frontline communities.

With a new era of cleanup comes the opportunity to educate on a new EM narrative, shifting away from a focus on legacy waste cleanup and toward new nuclear projects, workforce training, and economic development. The Administration has issued directives prompting DOE to undertake climate change, environmental justice, and clean energy initiatives as well. The Strategic Vision should acknowledge how EM will engage frontline communities in pursuit of these opportunities.

IV. *Create an Annual Scorecard to Measure Progress towards EM Goals Outlined in the Strategic Vision*

19) The Strategic Vision provides a roadmap for EM planning and priorities, the success of which should be measured. EM should develop an annual scorecard to demonstrate progress made towards the stated goals and to identify areas for program improvement.

ECA is working with EM to develop an appropriate annual scorecard.

20) Local communities and governments at DOE sites want to ensure adequate funding will be available for their programs. The Strategic Vision should address how progress will be made on priority items in the event requested funding levels are not fully met.

The Strategic Vision encompasses a decade of budget requests. The document should ensure there are mechanisms to engage with impacted frontline communities when budget expectations are not met during this timeframe.

⁵ For more information on how DOE should address long-term stewardship, please reference *The Role of Local Governments in Long-Term Stewardship at DOE Facilities*.