

## STATE, FEDERAL GOVERNMENT AGREE ON INL BURIED WASTE CLEANUP PLAN

**Release Date: July 1, 2008**

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### Settlement Provides Long-Term Protection for Snake River Plain Aquifer

(IDAHO FALLS) – The State of Idaho and the federal government today announced their agreement to a cleanup plan for buried waste at the Idaho National Laboratory that provides for the long-term protection of the Snake River Plain Aquifer.

The agreement implements a 2006 federal court order in coordination with ongoing Superfund cleanup of the area. It marks the end of six years of litigation between the U.S. Department of Energy and the State of Idaho, and it will satisfy DOE's commitment to Idaho to remove transuranic (plutonium-contaminated) waste buried at INL decades ago.

"This agreement reflects years of effort, scientific advancement, diligent follow-up, and most of all building trust," Governor Otter said. "We enter into this agreement confident that it is in the best interest of the aquifer, the Idaho National Laboratory, and all Idahoans. With the support of my predecessors in this office, it represents our best effort – and our highest aspirations – for securing a safe and productive future."

"Today's plan satisfies the requirements of Judge Lodge's 2006 decision by requiring the removal of transuranic waste from Idaho, consistent with the court's direction to protect worker safety," Idaho Attorney General Lawrence Wasden said. "Although our litigation was lengthy, it concluded in a sensible agreement to fulfill DOE's commitment to Idaho."

"The Department of Energy is pleased to reach an agreement with the state of Idaho on a cleanup plan that assures the Snake River Plain is protected," DOE Assistant Secretary for Environmental Management James A. Rispoli said. "After an extensive evaluation of technical data and careful consideration of public input, we believe this approach will be protective of the environment and ensure worker safety and our national security."

Former Idaho Governors Phil Batt and Cecil Andrus, whose previous negotiations with DOE laid the foundation for today's agreement, also attended today's announcement.

"This framework takes a practical, comprehensive approach to address an issue that does not have an easy solution," former Governor Batt said. "It is an important step toward achieving a goal I set back in 1995 – proper cleanup of INL's historic problems."

"Finally, after all of these years, the federal government has agreed to comply with the removal of the transuranic waste that has been buried in Idaho for too long," former Governor Andrus said.

"EPA is glad to see this issue resolved. The waste retrieval required by this settlement is consistent with the proposed cleanup strategy for site and an important step forward in dealing with the waste disposal legacy at the Idaho National Lab," EPA Regional Administrator Elin Miller said.

The cleanup plan was developed after an exhaustive technical review and balancing of potential risks to the public, workers, and the environment. The plan takes into account public feedback to a draft proposal issued under the Superfund cleanup process.

Most of the radioactivity from plutonium and other transuranic elements buried in the Subsurface Disposal Area is located in a small percentage of the waste volume. The plan identifies a range from 5.7 acres to 7.4 acres for shipment of no less than 7,485 cubic meters of targeted wastes most likely to be contaminated with transuranic elements (such as plutonium), as well as uranium, and volatile organic compounds (hazardous chemical solvents similar to cleaning fluids that move easily in groundwater).

Retrieval areas were selected based on the densities of waste identified through disposal records and geophysical evaluations, and a review of factors that may affect the relative risks to cleanup workers, the public and the environment.

DOE will treat retrieved waste for shipment out of Idaho. The plan addresses remaining contamination in the Subsurface Disposal Area through a combination of continued vacuuming of hazardous chemical vapors, grouting of some more mobile contaminants, and a long-term cap. Long-term monitoring and reevaluation of cleanup performance at least every five years will assure the approach is protecting the public and safeguarding the aquifer.

The cleanup of the Subsurface Disposal involves two different legal processes: (1) removal of transuranic waste under the 1995 Settlement Agreement between the State and DOE, and (2) overall Superfund cleanup of contamination from the Subsurface Disposal Area. The legal documents that will work together to govern these two aspects of cleanup of the Subsurface Disposal Area are:

1. Agreement to Implement U.S. District Court Order dated May 25, 2006, subject to approval by U.S. District Court Judge Edward Lodge.
2. Record of Decision for Waste Area Group 7 (a draft is in the review process by the U.S. Environmental Protection Agency, State of Idaho Department of Environmental Quality and U.S. Department of Energy).

The Subsurface Disposal Area at the INL began receiving waste in 1952. The area contains a wide array of radioactive and chemical wastes, located in approximately 35 acres of disposal pits and trenches in a 97-acre site. Transuranic (plutonium-contaminated) waste from the Rocky Flats Plant in Colorado is distributed unevenly in pits and trenches in roughly 15 acres of the landfill.

Cleanup of the Subsurface Disposal Area has long been the subject of disputes between Idaho and DOE. In 2002, Idaho brought legal proceedings in U.S. District Court to determine DOE's obligation to Idaho under the 1995 Settlement Agreement regarding transuranic waste in the Subsurface Disposal Area. In May 2006, U.S. District Court Judge Edward Lodge determined the 1995 Settlement Agreement obligates DOE to remove transuranic waste from the Subsurface Disposal Area, with safety of waste removal taken into account. The 9th U.S. Circuit Court of Appeals recently upheld Judge Lodge's decision.

DOE has prepared a fact sheet regarding its performance under the Idaho Settlement Agreement and other legal agreements.

- Fact Sheet: [Cleaning Up the Idaho Site: U.S. Department of Energy Performance to Date](#)
- The State of Idaho and the Department of Energy Buried Waste Agreement
  - [Agreement](#)
  - [Appendix A-F](#)
- [Background on Buried Waste at the INL Site](#)
- [Highlights of Press Conference on the State, Federal Government INL Cleanup Plan](#) - 5 minutes (17.5MB Windows Media Video)
- [Idaho Cleanup Project Buried Waste Process Overview at the INL](#) - 3 minutes (6.2 MB Windows Media Video)



DOE Assistant Secretary Jim Rispoli responds to question during the announcement of the buried waste deal.