



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Remediation – Oak Ridge
761 Emory Valley Road
Oak Ridge, Tennessee 37830

April 20, 2021

Mr. Brian Henry
Portfolio Federal Project Director
Y-12 National Security Complex Projects
Oak Ridge Office of Environmental Management
U.S. Department of Energy
P.O. Box 2001
Oak Ridge, TN 37831

Dear Mr. Henry

Site Treatment Plan for Mixed Waste on the United States Department of Energy Oak Ridge Reservation Annual Update (Version 24.2)- Mercury Contaminated Mixed Waste

Under the Site Treatment Plan for Mixed Waste on the U.S. Department of Energy Oak Ridge Reservation Annual Update Revision 24.2 (STP), the United States Department of Energy (DOE) was required by September 30, 2020 to meet the following milestone:

submit a detailed report with justification, on:

- *the specific LDR compliant treatment technology and a timeline/schedule leading to the treatment of the mixed mercury waste stream(s) to be generated prior to its eventual disposal. Include a list of potential permitted vendors who can perform the treatment utilizing this technology.*
- *the characterization plan/schedule for the mixed mercury waste stream(s) to be generated. Include a list of potential licensed laboratories for this task.*

The Tennessee Department of Environment and Conservation (TDEC)'s Division of Solid Waste Management and Division Remediation acknowledge the electronic receipt of a document titled, "Treatment of Mercury-Bearing Mixed Waste Treatment Technologies and Timeline, Oak Ridge, Tennessee" with a cover letter dated September 18, 2020.

Through discussions that have taken place in the past several months between the personnel from our management and attorneys and their counterparts at DOE, an understanding has been reached which requires to be formalized.

Therefore, as per section 2.8.5.1 of the STP, TDEC is returning this deliverable with comments to DOE. TDEC anticipates approving this deliverable and considering the abovementioned milestone as having been met, provided DOE fulfills the condition listed below:

- re-submit the subject matter report within 30 days of the receipt of this letter, with the replacement of the current section 5 titled "Schedule" with the following text in section 5 titled, "Schedule":

5. SCHEDULE

DOE will propose a schedule to reach final decisions on the methods and facilities for treating mercury-bearing waste from Y-12 and allow TDEC's review and approval of the treatment methods and facilities. DOE will also propose schedules for delivering its plans for characterizing potential mercury mixed waste streams for TDEC's review and approval. Schedules shall be set to allow decisions to be made sufficiently before the activities undertaken to generate the mixed waste. Schedules will be placed in Appendix E milestones or in Appendix J, "Non-enforceable Out-year Planning Targets," and also reflected under the STP. The primary objective of the schedule for waste characterization is to have a Waste Handling Plan (WHP) or another primary document associated with remedial action submitted for review and approval well in advance of the planned D & D or other activities to generate wastes. And, in the event, there is no suitable primary document planned to be available for the purpose described, then a document used under removal action authority can be designated to be provided for review and approval for purposes of making decisions within the scope of the STP. Any decisions needed on treatment methods and facilities will also be provided for and recognized in the WHP, another primary document, or a removal authority document designated for review and approval.

Although it is possible to make decisions regarding the characterization, treatment technology, and treatment facility under the FFA, DOE recognizes and acknowledges TDEC's authority to request information and approve plans for the characterization of potential mixed wastes and the onsite treatment methods and facilities used for RCRA LDR compliance for mixed wastes under the STP. Evaluating the alternatives for characterizing and treating mercury-bearing waste using the CERCLA process under the FFA is being conducted with the consent of TDEC and the understanding that TDEC has fully reserved its authority under the STP. The information collected and the data developed through evaluation of the mercury-bearing waste characterization and treatment options through the CERCLA process will be used to inform potential decisions on characterization and treatment under the STP. While TDEC and DOE seek the efficiency of following the FFA scheduling process and are working together to streamline progress, DOE recognizes and acknowledges that the STP, including its dispute resolution provisions, remains applicable in the event disagreements between DOE and TDEC regarding schedules or plans for the characterization, onsite treatment method, and/or onsite treatment facility for mercury-bearing mixed wastes arise.

If we can be of assistance on this or a related matter, please do not hesitate to contact either Revendra Awasthi at Revendra.Awasthi@tn.gov 865-594-5468; or Ashwin Brahmbhatt at Ashwin.brahmbhatt@tn.gov 865-220-6560.

Sincerely

AjBrahmbhatt

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