



July 12, 2019

Mr. Jay Mullis
Manager
Oak Ridge Office Environmental Management
U.S. Department of Energy
P.O. Box 2001
Oak Ridge, TN 37831

Dear Mr. Mullis:

Request for Public Meeting Prior to Issuance of Draft 1 Record of Decision on the Proposed Environmental Management Disposal Facility and Request for Responses to City of Oak Ridge Comments

We are writing in response to your enclosed letter dated May 28, 2018 (which we understand should be dated May 28, 2019) stating that the U.S. Department of Energy (DOE) does not intend to respond to the City of Oak Ridge's comments on DOE's Proposed Plan until DOE issues the "Record of Decision for the disposal of Comprehensive Environmental Response, Compensation, and Liability Act waste, which is under development and has a revised submittal date of August 2, 2019."

Frankly, as the host community, the City of Oak Ridge finds the delay in addressing our questions and comments---dating back several years---disrespectful to the strong relationship we have had through the years with DOE-EM. As stated in our letter to you dated April 2, 2019, the City has yet to receive formal responses to the many unanswered questions and comments that have been raised over the past several years, and which were formally submitted in response to the DOE's Proposed Plan last fall. These questions are on topics that include site characterization, waste acceptance criteria, mercury treatment and disposal, long term leachate and water management, contingency planning, and lifecycle costs for on-site versus off-site disposal. Many of the same questions raised by our citizens were detailed in the letter to David Adler from Chuck Head dated July 8, 2019.

These are serious public health, safety, environmental, and socioeconomic issues that must be satisfactorily addressed now, before a D1 ROD is issued.

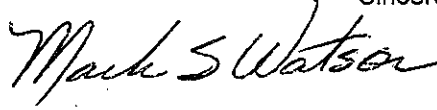
It is our understanding that pursuant to the terms of the Federal Facilities Agreement among DOE, EPA, and the State of Tennessee, that once DOE issues a D1 ROD, the agency may proceed directly to the Administrator of the EPA for approval if there is disagreement among the parties.

Therefore, we are requesting that DOE hold an informational public meeting in Oak Ridge *prior to issuing a D1 ROD*, and at the meeting be prepared to address questions raised by the City of Oak Ridge in the Proposed Plan. We believe the participation of EPA and TDEC would be beneficial. As parties to the Federal Facilities Agreement, the agencies have an obligation to pursue Community Acceptance, one of the nine criteria upon which federal law requires CERCLA decisions to be based.

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We look forward hearing from you very soon on this matter.

Sincerely yours,



Mark S. Watson
City Manager



Kenneth R. Krushenski
City Attorney

Enclosure

cc w/enclosure:

U.S. Representative Chuck Fleischmann (TN-3)
Franklin Hill, Director, Superfund Division, U.S. EPA Region 4
Greg Young, Deputy Commissioner, Bureau of Environment, TDEC
Warren L. Gooch, Mayor, and Members of Oak Ridge City Council
Ron Woody, Roane County Executive and ORRCA Chairman
Terry Frank, Anderson County Mayor
Tracy Wandell, Chairman, and Members of Anderson County Commission



Department of Energy

Oak Ridge Office of Environmental Management
P.O. Box 2001
Oak Ridge, Tennessee 37831

May 28, 2018

Mr. Mark S. Watson
City Manager
City of Oak Ridge
Post Office Box 1
Oak Ridge, Tennessee 37831-0001

Dear Mr. Watson:

**COMMENT RESOLUTION FOR CITY OF OAK RIDGE COMMENTS ON THE
REMEDIAL INVESTIGATION/FEASIBILITY STUDY FOR DISPOSAL OF
COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND
LIABILITY ACT OAK RIDGE RESERVATION WASTE DISPOSAL, OAK RIDGE,
TENNESSEE (DOE/OR/01-2535&D5)**

- References:
1. Letter from Mark S. Watson to John Arthur Mullis II, *Version 5, Remedial Investigation/Feasibility Study, February 8, 2017*, dated June 16, 2017
 2. Letter from Mark S. Watson to Jay Mullis, Franklin Hill, and Greg Young, *Federal Facility Agreement Milestone Modification Request for the Proposed Environmental Management Disposal Facility Record of Decision*, dated April 2, 2019

The City of Oak Ridge (the City) submitted comments to the U.S. Department of Energy (DOE) on the *Remedial Investigation/Feasibility Study for Disposal of Comprehensive Environmental Response, Compensation, and Liability Act Oak Ridge Reservation Waste Disposal, Oak Ridge, Tennessee* (DOE/OR/01-2535&D5) in a letter dated June 16, 2017. Subsequently, DOE submitted to the public, for comment, the *Proposed Plan for the Disposal of Oak Ridge Reservation Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Waste* in September 2018. More recently, DOE received your letter dated April 2, 2019, which requests responses to the City's comments on the proposed disposal remedy.

Comments received from the City on the Proposed Plan are being addressed in the Responsiveness Summary. This Responsiveness Summary will be contained in the Record of Decision for the disposal of Comprehensive Environmental Response, Compensation, and Liability Act waste, which is under development and has a revised submittal date of August 2, 2019.

Responses to those comments on the D5 Remedial Investigation/Feasibility Study that are not otherwise addressed in the Responsiveness Summary will be provided to the City separately and concurrent with submittal of the Record of Decision.

Mr. Mark S. Watson

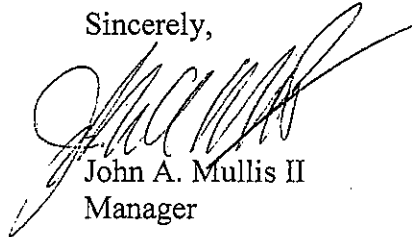
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May 28, 2019

**COMMENT RESOLUTION FOR CITY OF OAK RIDGE COMMENTS ON THE
REMEDIAL INVESTIGATION/FEASIBILITY STUDY FOR DISPOSAL OF
COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND
LIABILITY ACT OAK RIDGE RESERVATION WASTE DISPOSAL, OAK RIDGE,
TENNESSEE (DOE/OR/01-2535&D5)**

If you have questions, please contact Brian Henry at 241-8340 or Dave Adler at 576-5094.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Mullis II", is written over the typed name and title.

John A. Mullis II
Manager

cc:

Susan DePaoli, Pro2Serve
Julie Pfeffer, UCOR
ETTPDMC@ettp.doe.gov
Dave Adler, EM-94
Brian Henry, EM-92
Joy Sager, EM-921
Laura Wilkerson, EM-90