



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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

March 6, 2019

Mr. John Michael Japp
DOE FFA Project Manager
Oak Ridge Office of Environmental Management
U.S. Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831-8540

Re:

1) Site Preparation Plan for the Proposed Environmental Management Disposal Facility for Comprehensive Environmental Response, Compensation, and Liability Act Oak Ridge Reservation Waste Disposal, Oak Ridge, Tennessee (DOE/OR/01-2805&D1)

2) Phase 3 (Borrow Areas) Field Sampling Plan for the Proposed Environmental Management Disposal Facility for Comprehensive Environmental Response, Compensation, and Liability Act Oak Ridge Reservation Waste Disposal, Oak Ridge, Tennessee (DOE/OR/01-2808&D1)

Dear Mr. Japp,

The Tennessee Department of Environment and Conservation (TDEC) – Division of Remediation received the Site Preparation Plan (SPP) for the Central Bear Creek Valley (CBCV) site on January 3, 2019, and the Phase 3 Field Sampling Plan (FSP) for associated soil borrow areas on January 16, 2019. These documents concern the U.S. Department of Energy's (DOE's) proposed Environmental Management Disposal Facility (EMDF).

As noted in the minutes of the April 25, 2018 project team meeting, submittal of the SPP stems from DOE's desire to "have an early start" for "early site preparation activities" at the CBCV site. At that time, TDEC accepted the concept of an SPP if DOE elects to complete the planned work under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Federal Facility Agreement (FFA) for the Oak Ridge Reservation. While the SSP and FSP are secondary documents that do not require TDEC approval, TDEC usually chooses to review and comment on secondary documents.

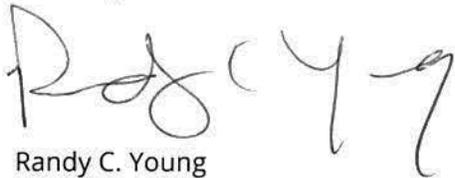
During September 2018, DOE issued the EMDF Proposed Plan identifying onsite disposal at the CBCV site as the preferred alternative. The Proposed Plan includes outstanding tasks to complete before deciding whether to build EMDF. Local community members provided numerous comments on the Proposed Plan, including the need to complete outstanding tasks before making a decision. In accordance with CERCLA, the remedial action decision is made and documented in a Record of Decision (ROD). Per the FFA, the ROD decision is made jointly by DOE, the U.S. Environmental

Protection Agency (EPA), and TDEC. A ROD has not been effectuated for this decision. Without a ROD authorizing construction of an onsite landfill, the SPP and FSP are pre-decisional documents.

The National Oil and Hazardous Substances Pollution Contingency Plan says a remedy may not be selected until it has been determined to meet CERCLA threshold criteria including overall protection of human health and the environment and compliance with applicable or relevant and appropriate requirements. It is the State's position that the seven key concerns identified in the State Acceptance section of the Proposed Plan must be resolved to demonstrate that threshold criteria are met. For these reasons, it would be premature for TDEC to review the SPP or the Phase 3 FSP before approving a ROD that selects onsite disposal of CERCLA waste.

Please direct any questions or comments regarding this letter to Brad Stephenson. You may reach him at the above address or by phone at (865) 220-6587.

Sincerely

A handwritten signature in black ink, appearing to read "Randy C. Young". The signature is fluid and cursive, with the first name "Randy" being the most prominent part.

Randy C. Young
FFA Manager

cc: Connie Jones, EPA
Pat Halsey, DOE
Amy Fitzgerald, ORRCA
Shelley Kimel, SSAB
Ron Woody, ORRCA
Amanda Daugherty, ORRCA