



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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

May 4, 2020

Mr. Roger Petrie
DOE FFA Project Manager
Oak Ridge Office of Environmental Management
U.S. Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831-2001

Federal Facility Agreement (FFA) Milestone Extension Request for the Environmental Management Disposal Facility (EMDF) Record of Decision (ROD) and Follow-on Documents (April 24, 2020)

Dear Mr. Petrie

The Tennessee Department of Environment and Conservation (TDEC) reviewed the request cited above pursuant to the FFA for the Oak Ridge Reservation. The State approves the extensions requested by the U.S. Department of Energy (DOE) because of delays associated with good-faith efforts to resolve a dispute regarding protective wastewater discharge limits.

As requested by DOE, the new submittal dates will be December 15, 2020 for the ROD, September 17, 2021 for the Remedial Design Work Plan (RDWP), and August 23, 2022 for the Remedial Design Report (RDR) / Remedial Action Work Plan (RAWP). TDEC looks forward to resolution of all seven key concerns documented in the Proposed Plan and recommends that DOE accept public comment on new information presented in Technical Memorandum 2 and the forthcoming Performance Assessment (PA) and Composite Analysis (CA) reports.

Please direct any questions or comments regarding this letter to Brad Stephenson at 865-220-6587.

Sincerely

A handwritten signature in black ink that reads "Randy C. Young".

Randy C. Young
TDEC FFA Manager

ec: Carl Froede, EPA
Connie Jones, EPA
Pat Halsey, DOE
Dennis Mayton, DOE
OREM Mailroom
Susan DePaoli, Pro-2-Serve
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

May 4, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Roger Petrie
Interim Federal Facility Agreement Manager
Oak Ridge Office for Environmental Management
Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831

Dear Mr. Petrie:

This letter responds to the Department of Energy's (DOE) April 24, 2020 letter (received electronically by EPA on April 24, 2020), requesting an extension for several Environmental Management Disposal Facility (EMDF) milestones consistent with Section XXX of the Oak Ridge Reservation Federal Facility Agreement (FFA). The EPA agrees with the extensions requested for the reasons provided below and reiterates issues conveyed in previous letters (see July 25, 2019 and July 31, 2019).

DOE provided as its basis for an extension:

The reason for this extension is given under Federal Facility Agreement Subsection XXX.B.3 (delay caused by the good faith invocation of dispute resolution) and Subsection XXX.B.6. The reason for the delay is to allow continued discussions among representatives from the U.S. Environmental Protection Agency, DOE, and the Tennessee Department of Environment and Conservation on the Focused Feasibility Study for Water Management for the Disposal of CERCLA Waste on the Oak Ridge Reservation, Oak Ridge, Tennessee (DOE/OR/01-2664&D2) dispute concerning the regulation of wastewater effluents containing source, special nuclear and byproduct materials, and to then, if necessary, make the appropriate changes to the D1 ROD. Every effort will be made to submit the ROD prior to the new milestone date, depending on resolution of the dispute.

The EPA agrees that DOE has established good cause under FFA Section XXX.B.3 (a delay caused by the good faith invocation of dispute resolution) for the extensions requested. The EPA will continue to work with the DOE to maintain open communication concerning project status, issues, and schedules as we progress toward determining the site suitability and protectiveness of the EMDF at Site 7c in Central Bear Creek Valley.

The EPA is approving the request as submitted with the new milestones to be reflected as follows:

ROD: December,15, 2020

RDWP: September 17, 2021

RDR/RAWP: August 23, 2022

Due to the cost of the EMDF project as proposed, the EPA Administrator will select the remedy and Region 4 will brief the EPA Administrator prior to remedy selection. Finally, EPA notes that the formal dispute regarding the EMWMF-EMDF Wastewater Focused Feasibility Study (FFS) has not been resolved. Consistent with FFA Section XXVI.J and to facilitate review of the ROD, the results of the Administrator's decision should be incorporated into DOE's submission of the D1 ROD (as well as a revision of the FFS). It is unknown whether an extension to December 15, 2020 will allow DOE to submit a D1 document consistent with this FFA requirement. If DOE is unable to incorporate the decision of the Administrator by December 15, 2020, it should submit a timely additional extension request that allows the fulfillment of this FFA requirement.

If you have any questions regarding this matter, please contact Carl Froede, Jr. at (404) 562-8550 [Froede.Carl@epa.gov] or me at (404) 562-8551 [Jones.Constance@epa.gov].

Sincerely,



Constance A. Jones, FFA Project Manager
Restoration and DOE Coordination Section
Restoration and Site Evaluation Branch
Superfund and Emergency Management Division

cc: Randy Young, TDEC
Brad Stephenson, TDEC (electronic copy)
Beth Rowan, TDEC (electronic copy)
Dave Adler, DOE (electronic copy)
Brian Henry, DOE (electronic copy)
Melyssa Noe, DOE (electronic copy)
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Pat Halsey, DOE
DOE Mail Room (electronic copy)
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Department of Energy

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

April 24, 2020

Ms. Constance A. Jones
Superfund and Emergency Management Division
U.S. Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

Mr. Randy C. Young
State of Tennessee
Department of Environment and Conservation
Division of Remediation – Oak Ridge
761 Emory Valley Road
Oak Ridge, Tennessee 37830-7072

Dear Ms. Jones and Mr. Young:

FEDERAL FACILITY AGREEMENT MILESTONE EXTENSION REQUEST FOR ENVIRONMENTAL MANAGEMENT DISPOSAL FACILITY RECORD OF DECISION AND FOLLOW-ON DOCUMENTS

In accordance with the Federal Facility Agreement for the Oak Ridge Reservation, the U.S. Department of Energy (DOE) requests your approval to modify the Appendix E milestone dates for submission of the Record of Decision (ROD), the Remedial Design Work Plan (RDWP), and the Remedial Design Report/Remedial Action Work Plan (RDR/RAWP) for the Environmental Management Disposal Facility. This extension requests moving the milestones out six months for the ROD, RDWP, and RDR/RAWP.

Schedule and dates sought to be extended: The current milestones are as follows:

ROD: June 17, 2020
RDWP: March 22, 2021
RDR/RAWP: February 23, 2022

Length of extension sought: About six months for all documents.

New milestone dates: The requested new milestone dates are as follows:

ROD: December 15, 2020
RDWP: September 17, 2021
RDR/RAWP: August 23, 2022

FEDERAL FACILITY AGREEMENT MILESTONE EXTENSION REQUEST FOR ENVIRONMENTAL MANAGEMENT DISPOSAL FACILITY RECORD OF DECISION AND FOLLOW-ON DOCUMENTS

Good cause for extension: The reason for this extension is given under Federal Facility Agreement Subsection XXX.B.3 (delay caused by the good faith invocation of dispute resolution) and Subsection XXX.B.6. The reason for the delay is to allow continued discussions among representatives from the U.S. Environmental Protection Agency, DOE, and the Tennessee Department of Environment and Conservation on the *Focused Feasibility Study for Water Management for the Disposal of CERCLA Waste on the Oak Ridge Reservation, Oak Ridge, Tennessee* (DOE/OR/01-2664&D2) dispute concerning the regulation of wastewater effluents containing source, special nuclear and byproduct materials, and to then, if necessary, make the appropriate changes to the D1 ROD. Every effort will be made to submit the ROD prior to the new milestone date, depending on resolution of the dispute.

Related schedules impacted if extension granted: The delay in these milestones should not impact any other milestones; however, delays in providing additional onsite waste disposal capacity will impact future cleanup work at the Y-12 National Security Complex and the Oak Ridge National Laboratory.

Description of project implementation strategy: The implementation strategy is to allow sufficient time for discussions between the U.S. Environmental Protection Agency, Tennessee Department of Environment and Conservation, and DOE to inform the submittal and review of the draft (D1) ROD.

If you have any questions, or if we can be of further assistance, please contact me at (865) 241-8340.

Sincerely,

**BRIAN
HENRY**

Digitally signed by BRIAN
HENRY
Date: 2020.04.24
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Brian T. Henry

Portfolio Federal Project Director

**Melyssa P.
Noe**

Digitally signed by
Melyssa P. Noe
Date: 2020.04.17
12:12:10 -04'00'

Melyssa P. Noe

Federal Facility Agreement Project Manager

cc:

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