



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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

December 19, 2018

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: Federal Facility Agreement Milestone Modification Request for the Environmental Management Disposal Facility Record of Decision and Follow-On Documents

Dear Mr. Japp

The Tennessee Department of Environment and Conservation (TDEC) – Division of Remediation (DoR) received the referenced milestone extension requests for the proposed Environmental Management Disposal Facility (EMDF) on December 13, 2018. In accordance with the Federal Facility Agreement for the Oak Ridge Reservation, the State approves the milestone extension requests. State approval of the schedule extension is based on the following:

- Extension of the public comment period for the Proposed Plan
- The need to incorporate the public responsiveness summary into the ROD.

Moreover, TDEC supports additional extensions of these milestones as needed to resolve key concerns identified in the State Acceptance section of the Proposed Plan. Those concerns include, but are not limited to, the need for:

- Waste Acceptance Criteria (WAC), determined by the U.S. Department of Energy (DOE) to achieve Performance Assessment (PA) and Composite Analysis (CA) requirements and verified by TDEC to meet Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requirements
- Landfill wastewater discharge limits that meet CERCLA requirements and resolve the ongoing formal dispute regarding the second draft (D2) of the *Focused Feasibility Study (FFS) for Water Management for the Disposal of CERCLA Waste on the Oak Ridge Reservation, Oak Ridge, Tennessee.*

The new submittal date will be March 8, 2019 for the EMDF D1 ROD. If the ROD selects onsite disposal, additional submittal dates include December 10, 2019 for the EMDF RDWP and November 13, 2020 for the EMDF RDR/RAWP.

Finally, there remains a concern, given the scope and nature of the public comments— notwithstanding this extension—about the sufficiency of the short interval between closure of the extended comment period and the new D1 ROD milestone to allow full compliance with Section XIV of the FFA. A full responsiveness summary must be completed and included as part of the D1 version of the ROD as required in FFA Section XIV. The schedule should also allow time before the D1 ROD for the FFA parties to “confer” as required by FFA Section XIV.

Please direct any questions or comments regarding the contents of 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 that reads "Randy C. Young". The signature is written in a cursive style with a large "R" and "Y".

Randy C. Young
FFA Manager

- xc Connie Jones, EPA
- Pat Halsey, DOE
- Amy Fitzgerald, ORRCA
- Shelley Kimel, SSAB
- Ron Woody, ORRCA
- Traci Cofer, ORRCA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

December 20, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Michael Japp
Federal Facility Agreement Manager
Oak Ridge Office for Environmental Management
Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831

Dear Mr. Japp:

The U.S. Environmental Protection Agency has received the Department of Energy (DOE) letter requesting an extension for the submittal of the Environmental Management Disposal Facility (EMDF) Record of Decision (ROD), Remedial Design Work Plan, and the Remedial Design Report/Remedial Action Work Plan. The request was submitted from DOE on December 12, 2018, and received by the EPA on December 20, 2018.

DOE cited delays caused by extending the EMDF Proposed Plan public comment period as good cause for the extensions. Despite the delay, the DOE stated that every attempt will be made to submit these documents earlier than the dates requested in this extension. None of these extensions should adversely impact subsequent Federal Facility Agreement (FFA) schedules or milestones.

In accordance with FFA, Subsection XXX.B.3, the EPA agrees that the DOE has established good cause for the extension request. 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 sufficiency and protectiveness of the EMDF in Central Bear Creek Valley.

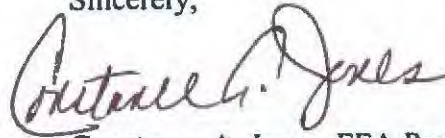
Due to the cost of the EMDF project as proposed, the EPA Administrator will select the remedy, and Region 4 will brief the EPA Administrator prior to remedy selection. As EPA has stated previously, it is hoped that the formal dispute regarding the EMDF Focused Feasibility Study dealing with water management will be resolved prior to DOE's submission of the ROD.

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

D1 ROD: March 8, 2019
RDWP: December 10, 2019
RDR/RAWP: November 13, 2020

If you have any questions regarding this matter, please contact Carl Froede, Jr. at (404) 562-8550 or me at (404) 562-8551.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance A. Jones". The signature is fluid and cursive, with the first name being the most prominent.

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

cc: Randy Young, TDEC
Howard Crabtree, TDEC
Brad Stephenson, TDEC
Don Gilmore, TDEC
Beth Rowan, TDEC
Dave Adler, DOE
Brian Henry, DOE
James Daffron, DOE
Pat Halsey, DOE
ORSSAB



Department of Energy

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

PROGRAM	SITE	PROJECT #	FILE SEQUENCE

ROUTE TO: JBS

December 12, 2018

DEC 13 2018

RECEIVED 1:04

CERTIFIED MAIL

Ms. Constance A. Jones
Superfund Division
U.S. Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street, SW
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 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 is requesting moving the milestones out about one month; however, every attempt will be made to submit the ROD (and subsequent documents) as soon as possible prior to the stated extended dates.

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

- ROD: February 8, 2019
- RDWP: November 11, 2019
- RDR/RAWP: October 15, 2020

Length of extension sought: About one month (22 working days) for each milestone.

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

- ROD: March 8, 2019
- RDWP: December 10, 2019
- RDR/RAWP: November 13, 2020

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(YOUNG 7009 2820 0001 9922 3631)

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

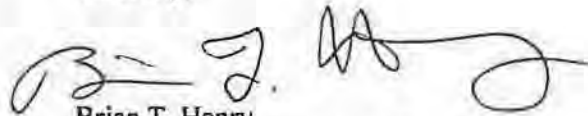
Good cause for extension: The reason for this extension is under Federal Facility Agreement Subsection XXX.B.4 (grant of an extension in regard to another timetable) due to delays caused by extension of the public comment period for the Proposed Plan. The U.S. Department of Energy is proposing these new dates to allow enough time to incorporate the public responsiveness summary into the ROD prior to its submittal to the regulators for review.

Related schedules impacted if extension granted: The delay in these milestones should not impact any other schedules or milestones.

Description of project implementation strategy: The implementation strategy is to continue with scheduled meetings and work to complete the responsiveness summary to public comments, and incorporate it into the ROD.

If you have any questions or if we can be of further assistance, please contact John Michael Japp at (865) 241-6344 or Brian Henry at (865) 241-8340.

Sincerely,



Brian T. Henry
Portfolio Federal Project Director



John Michael Japp
Federal Facility Agreement Project Manager

cc:

Carl Froede, EPA Region 4
Susan DePaoli, Pro2Serve
Sidney Garland, RSI, K-1580, MS-7119
SSAB
Brad Stephenson, TDEC, Oak Ridge
Julie Pfeffer, UCOR
Tanya Salamacha, UCOR
ETTPDMC@ettp.doe.gov
Dave Adler, EM-94
James Daffron, EM-921
Pat Halsey, EM-942

CERTIFIED – RETURN RECEIPT REQUESTED
(JONES 7009 2820 0001 9922 2214)
(YOUNG 7009 2820 0001 9922 3631)