



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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

March 6, 2023

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

TDEC Review (Follow-up): Revised Administrative Record Index dated October 31, 2022 and submitted November 9, 2022 in support of the *Record of Decision for Comprehensive Environmental Response, Compensation, and Liability Act Oak Ridge Reservation Waste Disposal at the Environmental Management Disposal Facility, Oak Ridge, Tennessee (DOE/OR/01-2794&D2/R1)*

Dear Mr. Petrie

As a follow-up to our letter dated September 14, 2022, the Tennessee Department of Environment and Conservation (TDEC), Division of Remediation-Oak Ridge Office recommends inclusion of additional records in the Administrative Record for the proposed Environmental Management Disposal Facility. A list of the recommended records is enclosed. TDEC offers this recommendation in accordance with Section XXXIII of the Federal Facility Agreement (FFA) for the Oak Ridge Reservation.

Questions or comments should be directed to Brad Stephenson at the above address, by email at brad.stephenson@tn.gov, or by phone at (865) 352-1235.

Sincerely

A handwritten signature in black ink, appearing to read "Randy C. Young".

Randy C. Young
FFA Project Manager
Division of Remediation – Oak Ridge Office

Enclosure

ec: Dennis Mayton, DOE
Samantha Urquhart- Foster, EPA
Carl Froede, EPA
Jana Dawson, EPA
Sid Garland, UCOR
Tanya Salamacha, UCOR
Sam Scheffler, DOE
ORSSAB
OREM Mailroom
Chris Thompson, TDEC
Colby Morgan, TDEC

xc: Wade Creswell, ORRCA
Amanda Daugherty, ORRCA
Amy Fitzgerald, ORRCA
Terry Frank, ORRCA

Documents Recommended for Addition to the EMDF Administrative Record

Hyperlinks in the following list indicate documents that appear to be absent from, and should be added to, the proposed Administrative Record. Items *without* hyperlinks are headings for the supporting documents listed below them.

Remedial Investigation (RI) / Feasibility Study (FS) & Site Characterization

[Acoustic Survey of Bats at the Proposed EMDF Site](#), February 2017
([transmitted](#) February 28, 2017)

[EPA/TDEC Letter](#), July 24, 2017

[TDEC/EPA Letter: TDEC-EPA Request for Site Characterization Report \(TM-2\) & Model Information](#), May 2, 2019

[EPA Comments re Preliminary Groundwater Model Design](#), July 30, 2019

Focused Feasibility Study (FFS) for Landfill Wastewater Management

[FFS DOE Letter](#), September 11, 2014

[D2 FFS](#), February 2016
transmitted February 23, 2016

[EPA Formal Dispute Resolution Schedule](#), June 6, 2019

[EPA Acknowledgement of TDEC Formal Dispute Position \(supplement\)](#),
August 8, 2019

[DOE Formal Dispute Position \(supplement\)](#), August 26, 2019

[Southern Environmental Law Center \(SELC\) letter to EPA Administrator](#),
May 26, 2021

[D3 FFS](#), June 2021
transmitted June 23, 2021

[D3 FFS TDEC Comments](#), July 23, 2021

[Southern Environmental Law Center \(SELC\) letter to EPA Administrator](#),
August 2, 2021

[Southern Environmental Law Center \(SELC\) letter to EPA Administrator](#),
November 4, 2021

Documents Recommended for Addition to the EMDF Administrative Record

[D4 FFS](#), June 2022
transmitted June 1, 2022

[EPA Comments](#) (Preliminary), June 28, 2022

[EPA Comments](#) (Final), July 13, 2022

[D4/R1 FFS with errata](#), August 2022
transmitted August 31, 2022

Erratum: Bear Creek Valley Watershed Remedial Action Report
Comprehensive Monitoring Plan (DOE/OR/01-2457&D4), June 23, 2021

[EPA Approval Letter](#), June 24, 2021

[TDEC Approval Letter](#), July 2, 2021

Proposed Plan

[Dispute Resolution Agreement \(DRA\)](#), September 5, 2018
dated August 30, 2018

DOE Performance Assessment (PA) & Composite Analysis (CA)

[DOE Letter re PA/CA](#), July 7, 2016

[TDEC Letter re EMDF Composite Analysis Issues](#), April 17, 2019

[DOE Letter re EMDF Composite Analysis Issues](#), May 30, 2019

[EMDF PA-CA Quality Assurance \(QA\) Report](#), April 29, 2020

Community Acceptance

[Public Involvement Plan for CERCLA Activities at the U.S. Department of Energy Oak Ridge Site and Community Outreach Plan for the Environmental Management Disposal Facility \[2016 Update, Replaces Previous Versions\]](#),
January 20, 2017

[EPA Approval: Community Outreach Plan for the EMDF](#), March 9, 2017

[City of Oak Ridge Letter: Request to Postpone D1 ROD](#), April 2, 2019

[TDEC Letter: Response to City of Oak Ridge Request to Postpone D1 ROD](#),
April 15, 2019

Documents Recommended for Addition to the EMDF Administrative Record

[DOE Response to Oak Ridge Reservation Communities Alliance \(ORRCA\) Letter: Request for Public Meeting Before Draft \(D1\) ROD](#), July 19, 2019

[City of Oak Ridge Letter: Request for Public Meeting Before Draft \(D1\) ROD](#), July 12, 2019

[Southern Environmental Law Center \(SELC\) Letter: Request for Meaningful Opportunities for Public Comment](#), August 1, 2019

[Advocates for the Oak Ridge Reservation \(AFORR\) Letter & Fact Sheet: Support for the Hybrid Alternative](#), August 26, 2019

Notes: Date in letter (2009) is a typographical error; it should be 2019. In the interest of privacy, this copy omits the petition with approximately 174 names.

[Southern Environmental Law Center \(SELC\) Letter: New Information Regarding the Proposed Landfill Site](#), October 1, 2019

[Letter from Sierra Club & Advocates for the Oak Ridge Reservation \(AFORR\)](#), April 8, 2021

[Community Outreach Plan for the Environmental Management Disposal Facility](#), provided to Oak Ridge Site Specific Advisory Board June 1, 2021

[Letter from Rev. Derrick Hammond and Scarborough Community Leaders](#), November 29, 2021

[City of Oak Ridge Statement on Proposed disposal facility](#), May 17, 2022

Record of Decision (ROD)

[EPA/TDEC Letter: Recommended ROD Language & Process](#), October 9, 2019

Record of Decision (ROD) Milestone Extensions

In the interest of consistency within the Administrative Record Index, TDEC recommends including *or* omitting all ROD extension requests, approvals, and acknowledgements. The October 31 version of the Index provided to TDEC and EPA on November 9 includes letters associated the extensions indicated below.

[ROD Milestone Extension #1](#)

[ROD Milestone Extension #12](#)

Documents Recommended for Addition to the EMDF Administrative Record

[ROD Milestone Extension #15](#)

[ROD Milestone Extension #18](#)

[D2 ROD Schedule Extension #4](#)

[D2 ROD Schedule Extension #5](#)

[D2 ROD Schedule Extension #6](#)

The index omits some or all of the letters associated with the other extensions, as indicated and hyperlinked below.

All three letters (DOE, EPA, TDEC) missing from Administrative Record Index.

[ROD Milestone Extension #2](#)

[ROD Milestone Extension #3](#)

[ROD Milestone Extension #4](#)

[ROD Milestone Extension #5](#)

[ROD Milestone Extension #6](#)

[ROD Milestone Extension #7](#)

[ROD Milestone Extension #8](#)

[ROD Milestone Extension #9](#)

[ROD Milestone Extension #10](#)

[ROD Milestone Extension #11](#)

[ROD Milestone Extension #13](#)

[D2 ROD Schedule Extension #1](#)

DOE letter missing from Administrative Record Index; EPA & TDEC letters are included.

[ROD Milestone Extension #14](#)

TDEC letter missing from Administrative Record Index; DOE & EPA letters are included.

Documents Recommended for Addition to the EMDF Administrative Record

[ROD Milestone Extension #16](#)

[D2 ROD Schedule Extension #3](#)

EPA letter missing from Administrative Record Index; DOE & TDEC letters are included.

[ROD Milestone Extension #17](#)

EPA letter is now included in the revised Administrative Record Index, but searching for Order number F.0615.031.0221 in the DOE Information Center returns an unsigned document. TDEC's link here connects to a signed version. The Index should reference the signed version of this letter.

[D2 ROD Schedule Extension #2](#)

DOE & TDEC letters missing from Administrative Record Index; EPA letter is included.

[D2 ROD Schedule Extension #7](#)