



April 2, 2019

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**ENVIRONMENT AND CONSERVATION
COMMISSIONER'S OFFICE**

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

Mr. Franklin Hill
Director, Superfund Division
U.S. Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Mr. Greg Young
Deputy Commissioner
Bureau of Environment
Tennessee Department of Environment & Conservation
312 Rosa L. Parks Avenue
2nd Floor, Tennessee Tower
Nashville, TN 37243

Dear Mr. Mullis, Mr. Hill, and Mr. Young:

Federal Facility Agreement Milestone Modification Request for the Proposed Environmental Management Disposal Facility Record of Decision

The City of Oak Ridge (COR) has received the March 25, 2019 letter from Randy Young, Federal Facility Agreement Manager. The COR is writing to request that the submittal of a D1 Record of Decision (ROD) for the proposed hazardous and radioactive waste landfill (EMDF) be postponed until such time that the City's and citizen question about DOE's proposed plan are addressed, per the COR letter dated July 10, 2018. It is our understanding that the current submittal date is May 7, 2019.

The City has yet to receive formal responses to these and potential unanswered questions and comments raised over the past several years. The questions were formally submitted as required by established process 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. Information has yet to be provided for review and study now, *before* a D1 ROD is issued.

In addition, the COR reiterates the need for one or more waivers for the City of Oak Ridge to indemnify our ratepayers from future violations of the Clean Water Act due to landfill or mercury discharges in Bear or East Fork of Poplar Creek. We also need to confirm a mechanism in the final ROD for long-term funding for the Oak Ridge Reservation Communities Alliance (ORRCA) to help provide emergency services and public information.

We believe the parties to the Federal Facilities Agreement have an obligation to pursue *Community Acceptance*, one of the nine criteria upon which federal law requires CERCLA decisions to be based. Such acceptance cannot be fully achieved until the public safety, environmental, and socioeconomic concerns of the host communities are resolved. The proposed landfill, along with the existing EMWVF, will impact generations of East Tennesseans in the decades to come.

We look forward to working with you on this matter.

Sincerely yours,



Mark S. Watson
City Manager



Kenneth R. Krushenski
City Attorney

cc: Warren L. Gooch, Mayor, and Members of Oak Ridge City Council
Ron Woody, Roane County Executive and ORRCA Chairman
Terry Frank, Anderson County Mayor, and Members of Anderson County Commission
Tracy Wandell, Chairman, and Members of Anderson County Commission