



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

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

September 14, 2022

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

Dear Mr. Petrie

**Final Records 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, DOE/OR/01-2794&D2/R1, AND DOE/OR/01-2794&D2/R2)**

The Tennessee Department of Environment and Conservation (TDEC), Division of Remediation-Oak Ridge Office (DoR-OR), has reviewed the above referenced Records of Decision (RODs) pursuant to the Federal Facility Agreement (FFA) for the Oak Ridge Reservation (ORR). TDEC transmits this correspondence to provide clarification within the administrative record, given multiple copies of the same document being recently generated and submitted for FFA review.

The sequential drafts of the Environmental Management Disposal Facility (EMDF) ROD have been developed with consultation among the FFA parties to finalize specific wording changes prior to FFA tri-party signature. The August 19, 2022, TDEC extension request letter to the U.S. Department of Energy (DOE) documented receipt of the original D2 ROD document with plans to review a revised D2/R1 version that DOE was generating for final approval. Since the time of TDEC transmitting that letter and submittal of the revised D2/R1 version of the document to TDEC and the U.S. Environmental Protection Agency (EPA), the FFA parties have agreed to a few additional modifications to the document. DOE now plans to submit a D2/R2 version for signature. TDEC does not expect the latest changes included in the D2/R2 version to alter the final decision described in the D2/R1, which TDEC reviewed. Therefore, TDEC DoR-OR does not anticipate generating FFA comments on the D2/R2 submittal. When the D2/R2 is received, TDEC staff will ensure the document to adequate to route for final signature.

For the administrative record, TDEC notes the importance of the following key post-ROD activities which the FFA parties have agreed will be necessary to complete construction of the EMDF as prescribed in this ROD:

- During an upcoming winter wet season, DOE will implement a study to determine the seasonally high-water table for the proposed EMDF site as specified in Section 2.14.4. The results of this study will be used to inform key design considerations for the EMDF. TDEC expects to work with DOE and EPA to ensure results of the study are properly considered.
- As described in Section 2.12.2.3, DOE will evaluate a supplemental release scenario after this ROD is signed. This supplemental analysis or supplemental release scenario will evaluate possible contaminant migration and potential impacts to the state's water resources resulting from hypothetical failures of certain engineering and institutional controls prescribed for the EMDF. TDEC expects the FFA parties may use results of this supplemental analysis to inform future decisions regarding the inventory limits established for final waste acceptance criteria (WAC), including risk-based limits for chemicals and uranium toxicity. The WAC Attainment Plan for the EMDF is a FFA primary document yet to be developed.
- Section 2.12.2.3 also describes the "mercury management approach." Because Bear Creek is impaired for mercury, portions of that approach related to further evaluation of the causes of mercury methylation in the watershed must proceed in parallel with the landfill and wastewater treatment system design.
- DOE will work with the ORR FFA parties to produce a Remedial Action Design Report (RDR) which is approvable under 40 CFR 300.435 by being "in conformance with the remedy selected and set forth in the ROD". The RDR is a post-ROD FFA primary document yet to be developed.
- DOE will submit and request FFA approval of the necessary environmental monitoring plans required to demonstrate compliance with discharge limits for treated EMDF wastewater based on the radionuclide stream concentrations set forth in Section 2.12.2.4. TDEC expects DOE to include appropriate environmental monitoring plans, including but not limited to continued biological sampling, within FFA primary documents in a manner to minimize potential schedule impacts.

TDEC will review the proposed Administrative Record contents recently received from DOE and work with DOE and EPA to finalize the record. In addition, TDEC will review four documents previously deferred until ROD approval: *Site Preparation Plan* (January 2019), *Phase 3 (Borrow Areas) Field Sampling Plan* (January 2019), *Field Sampling Plan for Baseline Groundwater and Surface Water Characterization* (March 2019), and *Phase 3 (Borrow Areas) Characterization Report* (September 2019).

TDEC staff look forward to continued collaboration with DOE and EPA as this ROD is implemented. When possible, the remaining key activities should be scheduled to minimize delays in other FFA remediation schedules across the ORR. TDEC expects the FFA parties to follow the processes described within the FFA to implement the remedy in this ROD.

Questions or comments concerning the contents of this letter should be directed to Randy Young at (865) 220-6584.

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

xc: Amy Fitzgerald, ORRCA
Ron Woody, ORRCA
Amanda Daugherty, ORRCA

ec: Jon Richards, EPA
David Andrews, EPA
Samantha Urquhart-Foster, EPA
Sam Scheffler, DOE
Tanya Salamacha, UCOR
Sid Garland, UCOR
OREM Mailroom, DOE
ORSSAB
Chris Thompson, TDEC
Colby Morgan, TDEC