



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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

January 23, 2018

Mr. John Michael Japp
DOE FFA Project Manager
P.O. Box 2001
Oak Ridge, TN 37831-8540

Dear Mr. Japp

TDEC Comments

Federal Facility Agreement Milestone Extension Request for Environmental Management Disposal Facility Record of Decision and Follow-on Documents

The Tennessee Department of Environment and Conservation (TDEC) Division of Remediation has reviewed the extension request cited above (B. Henry and J. Japp to C. Jones and R. Young dated January 16, 2018 and received on January 18, 2018) pursuant to Section XXX.D of the Federal Facilities Agreement. Based on the review, the State approves the requested extension of the milestones for submission of the Record of Decision (ROD) and follow-on documents for the Environmental Management Disposal Facility.

The change is to allow time to develop and reach approval of the Proposed Plan and conduct public review of the approved Proposed Plan. In accordance with the December 7, 2017 *Dispute Resolution Agreement*, a TDEC/EPA-approved Field Sampling Plan (FSP) will be appended to the Proposed Plan. The results and analysis of the field investigation in accordance with the FSP shall be included in the administrative record before the Proposed Plan public comment period. TDEC and EPA review of the field investigation results shall be completed before execution of the ROD and shall be used in selecting the remedy.

- *Scheduled milestones:* The scheduled milestones were as follows:

ROD: March 16, 2018
RDWP: December 18, 2018
RDR/RAWP: November 22, 2019.

- *Length of extension:* The new milestones with the requested extensions are as follows:

ROD: September 17, 2018
RDWP: June 18, 2019

January 23, 2018

RDR/RAWP: May 22, 2020.

- *Reason for extension:* The extension (FFA Subsection XXX.B.3 good cause) is needed due to delays caused by DOE's good-faith invocation of dispute resolution. The U.S. Department of Energy proposes the extension to allow time to develop and reach approval of the Proposed Plan and conduct public review of the approved Proposed Plan, including the site characterization, analysis, and reporting described above.
- *Related schedules impacted by extension:* The extension of these milestones should not impact any other schedules or milestones.
- *Implementation strategy:* The implementation strategy is to continue with scheduled meetings, work to complete characterization, and continue to provide open communication of project status, issues, and schedules with the Project Team.

The *Dispute Resolution Agreement* also provides for TDEC's independent verification of DOE modeling to determine waste acceptance criteria that protect human health and the environment. DOE's project schedule should reflect the need for this FFA oversight activity that directly supports the ROD. TDEC's ability to complete the independent verification depends on DOE providing, in a timely manner, all materials necessary to complete this review.

Questions or comments about the contents of this letter should be directed to Brad Stephenson at the above address or by phone at (865) 220-6587.

Sincerely



Randy Young
FFA Manager

xc Dave Adler, DOE - OREM
Patricia Halsey, DOE - OREM
Carl Froede, EPA
Connie Jones, EPA
Rich Campbell, EPA

Pete Osborne, SSAB
Amy Fitzgerald, ORRCA
Ron Woody, ORRCA
Traci Cofer, ORRCA
Shari Meghreblian, TDEC



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

JAN 30 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 Environmental Protection Agency has received the Department of Energy (DOE) letter requesting an extension for the submittal of the Environmental Management Disposal Facility Record of Decision (ROD) and follow-on documents. The request was submitted from DOE on January 16, 2018, and received by EPA on January 25, 2018.

The requested six-month extension is to provide sufficient time to develop and reach approval of the Proposed Plan, conduct a limited field characterization effort at the Central Bear Creek Valley Site 7c locale, issue the Proposed Plan, and conduct a public meeting. This extension will also include subsequent Comprehensive Environmental Response, Compensation, and Liability Act, Federal Facility Agreement documents including the Remedial Design Work Plan and the Remedial Design Report/Remedial Action Work Plan.

In accordance with FFA Subsection XXX:8.6, the DOE has established good cause for the extension request. The EPA is approving the request as submitted and will continue to work with DOE to maintain open communication concerning project status, issues, and schedules as we progress toward finalizing this comprehensive monitoring plan.

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 blue ink that reads "Constance A. Jones".

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



Department of Energy

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

PROGRAM	SITE	PROJECT #	FILE SEQUENCE

ROUTE TO: *ACT*

January 16, 2018

JAN 18 2018

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

CC1
JBS, HLC

Mr. Randy C. Young
 State of Tennessee
 Department of Environment and Conservation
 Division of Remediation – DOE Oversight Office
 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 (FFA) 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 request moves the milestones out six months; however, every attempt will be made to submit the ROD (and subsequent documents) as soon as possible prior to the stated extended dates, since per the signed formal dispute agreement all parties have agreed to give their best efforts to issue a Proposed Plan in a time frame that could allow a more expedient ROD submittal date.

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

- ROD: March 16, 2018
- RDWP: December 18, 2018
- RDR/RAWP: November 22, 2019

CERTIFIED – RETURN RECEIPT REQUESTED
 (Jones 7016 2070 0000 1522 4999)
 (Young 7009 2820 0001 9922 1095)

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

Length of extension sought: Six months for each milestone.

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

ROD: September 17, 2018
RDWP: June 18, 2019
RDR/RAWP: May 22, 2020

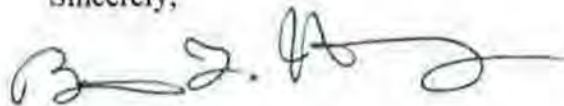
Good cause for extension: The reason for this extension is under FFA Subsection XXX.B.3 (good cause) due to delays caused by the good faith invocation of dispute resolution. The U.S. Department of Energy is proposing the above dates to allow enough time to develop and reach approval of the Proposed Plan, conduct the public review of the approved proposed plan, and conduct associated, limited characterization as defined in the formal dispute agreements.

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

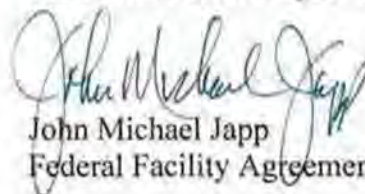
Description of project implementation strategy: The implementation strategy is to continue with scheduled meetings, work to complete characterization, and continue to provide open communication of project status, issues, and schedules with the Project Team.

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

See Page 3 for cc list.

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

cc:

Carl Froede, EPA Region 4

Susan DePaoli, Pro2Serve

Sidney Garland, RSI

Howard Crabtree, TDEC, Oak Ridge

Brad Stephenson, TDEC, Oak Ridge

Julie Pfeffer, UCOR

Annette Primrose, UCOR

Tanya Salamacha, UCOR

ETTPDMC@ettp.doe.gov

Pat Halsey, EM-942

SSAB

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(Young 7009 2820 0001 9922 1095)