



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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

October 28, 2019

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 37831-2001

Re: Federal Facility Agreement (FFA) Milestone Extension Request for the Environmental Management Disposal Facility (EMDF) Record of Decision (ROD) and Follow-on Documents

Dear Mr. Japp:

The Tennessee Department of Environment and Conservation (TDEC) reviewed the request cited above pursuant to the FFA for the Oak Ridge Reservation (ORR). Because of good-faith delays associated with dispute resolution, the State approves the extensions requested by the U.S. Department of Energy (DOE). The new submittal dates will be December 19, 2019 for the ROD, September 22, 2020 for the Remedial Design Work Plan (RDWP), and August 26, 2021 for the Remedial Design Report (RDR) / Remedial Action Work Plan (RAWP).

TDEC looks forward to resolution of the State's key concerns documented in the Proposed Plan and recommends that DOE accept public comment on new information presented in Technical Memorandum 2. Please direct any questions or comments regarding the contents of this letter to Brad Stephenson at 865-220-6587.

Sincerely

Randy C. Young
TDEC FFA Manager

ec: Connie Jones, EPA
Carl Froede, EPA
Pat Halsey, DOE
Joy Sager, DOE
Susan DePaoli, DOE
Tanya Salamacha, UCOR
Sid Garland, UCOR
Julie Pfeffer, UCOR

xc: Amy Fitzgerald, ORRCA
Ron Woody, ORRCA
Amanda Daugherty, ORRCA
Shelley Kimel, SSAB



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

October 30, 2019

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:

This letter responds to the Department of Energy's (DOE) October 23, 2019 letter (received by EPA on October 25, 2019), requesting an extension for several Environmental Management Disposal Facility (EMDF) milestones consistent with Section XXX of the Oak Ridge Reservation Federal Facility Agreement (FFA). The EPA agrees with the extensions requested for the reasons provided below and reiterates issues conveyed in previous letters (see July 25, 2019 and July 31, 2019).

DOE provided as its basis for an extension:

The reason for this extension is given under Federal Facility Agreement Subsection XXX.B.3 (delay caused by the good faith invocation of dispute resolution) and Subsection XXX.B.6. The reason for the delay is to allow continued discussions among representatives from the U.S. Environmental Protection Agency, DOE, and the Tennessee Department of Environment and Conservation on the *Focused Feasibility Study for Water Management for the Disposal of CERCLA Waste on the Oak Ridge Reservation, Oak Ridge, Tennessee* (DOE/OR/01-2664&D2) dispute concerning the regulation of wastewater effluents containing source, special nuclear and byproducts, and to then inform the draft ROD.

The EPA agrees that DOE has established good cause under FFA Section XXX.B.3 (a delay caused by the good faith invocation of dispute resolution) for the extensions requested. 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 site suitability and protectiveness of the EMDF at Site 7c in Central Bear Creek Valley.

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

ROD: December 19, 2019
RDWP: September 22, 2020
RDR/RAWP: August 26, 2021

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. Finally, EPA notes that the formal dispute regarding the EMWMF-EMDF Wastewater Focused Feasibility Study (FFS) has not been resolved. Consistent with FFA Section XXVI.J and to facilitate review of the ROD, the results of the Administrator's decision should be incorporated into DOE's submission of the D1 ROD (as well as a revision of the FFS). It is unknown whether an extension to December 19, 2019 will allow DOE to submit a D1 document consistent with this FFA requirement. If DOE is unable to incorporate the decision of the Administrator by December 19, 2019, it should submit a timely additional extension request that allows the fulfillment of this FFA requirement.

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 black ink, appearing to read "Constance A. Jones". The signature is written in a cursive style with a large initial "C".

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

cc: Randy Young, TDEC (electronic copy)
Cathleen Burnette, TDEC (electronic copy)
Brad Stephenson, TDEC (electronic copy)
Beth Rowan, TDEC (electronic copy)
Dave Adler, DOE (electronic copy)
Brian Henry, DOE (electronic copy)
Joy Sager, DOE (electronic copy)
Pat Halsey, DOE (electronic copy)
ORSSAB (electronic copy)



Department of Energy

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

October 23, 2019

302-10-10 JBS
75 9:24
OCT 24 2019

CERTIFIED MAIL

Ms. Constance A. Jones
Superfund and Emergency Management Division
U.S. Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street
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 (DOE) 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 requests moving the milestones out six weeks for the ROD, RDWP, and RDR/RAWP.

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

ROD: October 31, 2019
RDWP: August 4, 2020
RDR/RAWP: July 9, 2021

Length of extension sought: About six weeks (36 working days) for all documents.

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

ROD: December 19, 2019
RDWP: September 22, 2020
RDR/RAWP: August 26, 2021

CERTIFIED – RETURN RECEIPT REQUESTED
(JONES 7017 2620 0000 6500 7618)
(YOUNG 7017 2620 0000 6500 7601)

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 given under Federal Facility Agreement Subsection XXX.B.3 (delay caused by the good faith invocation of dispute resolution) and Subsection XXX.B.6. The reason for the delay is to allow continued discussions among representatives from the U.S. Environmental Protection Agency, DOE, and the Tennessee Department of Environment and Conservation on the *Focused Feasibility Study for Water Management for the Disposal of CERCLA Waste on the Oak Ridge Reservation, Oak Ridge, Tennessee* (DOE/OR/01-2664&D2) dispute concerning the regulation of wastewater effluents containing source, special nuclear and byproduct materials, and to then inform the draft ROD.

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 allow sufficient time for discussions between the U.S. Environmental Protection Agency, Tennessee Department of Environment and Conservation, and DOE to inform the submittal and review of the draft (D1) 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,


for Brian T. Henry

Portfolio Federal Project Director


John Michael Japp
Federal Facility Agreement Project Manager

cc:

Carl Froede, EPA Region 4
Susan DePaoli, Pro2Serve
Sid Garland, RSI
SSAB
Brad Stephenson, TDEC, Oak Ridge
Julie Pfeffer, UCOR

Tanya Salamacha, UCOR
ETTPDMC@ettp.doe.gov
Dave Adler, EM-94
Pat Halsey, EM-942
Joy Sager, EM-921