



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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

September 4, 2018

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

Dear Mr. Japp

Federal Facility Agreement Milestone Modification Request for the Environmental Management Disposal Facility Record of Decision and Follow-On Documents

The Tennessee Department of Environment and Conservation, Division of Remediation Oak Ridge Office (DoR-ORO), has reviewed the above referenced request pursuant to the Federal Facility Agreement for the Oak Ridge Reservation. Because of the good faith delays associated with the invocation of dispute resolution with this project, the State approves the milestone extension requests. The new submittal dates will be January 9, 2019 for the EMDF ROD, October 10, 2019 for the EMDF RDWP, and September 15, 2019 for the EMDF RDR/RAWP.

Questions or comments concerning the contents of this letter should be directed to Brad Stephenson at (865) 220-6587.

Sincerely

Randy C. Young,
FFA Manager

xc: Connie Jones, EPA
Pat Halsey, DOE
Jon Richards, EPA
Amy Fitzgerald, ORCCA
Shelley Kimel, SSAB
Ron Woody, ORRCA
Traci Cofer, ORRCA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

SEP - 6 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 U.S. Environmental Protection Agency has received the Department of Energy (DOE) letter requesting an extension for the submittal of the Environmental Management Disposal Facility (EMDF) Record of Decision (ROD), Remedial Design Work Plan, and the Remedial Design Report/Remedial Action Work Plan. The request was submitted from DOE on August 28, 2018 and received by the EPA on September 4, 2018.

DOE cited delays caused by the good faith invocation of dispute on the EMDF Proposed Plan as good cause for the extensions. In addition, DOE stated that the extension of these milestones will not impact subsequent schedules or milestones.

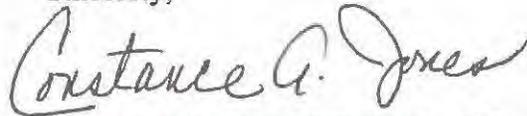
In accordance with Federal Facility Agreement, Subsection XXX.B.3, the EPA agrees that the DOE has established good cause for the extension request. The EPA will continue to work with the DOE to maintain open communication concerning project status, issues, and schedules as we progress toward determining the sufficiency and protectiveness of the EMDF at Site 7c. Please be aware that because of the cost of the project as proposed, the EPA Administrator will select the remedy on this project, and Region 4 will brief the EPA Administrator prior to remedy selection. As the the EPA has stated previously, it is hoped that the formal dispute regarding the EMDF Focused Feasibility Study and water management will be resolved prior to DOE's submission of the ROD.

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

D1 ROD: January 9, 2019
RDWP: October 10, 2019
RDR/RAWP: September 15, 2019

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 that reads "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 Division

cc: Randy Young, TDEC
Brad Stephenson, TDEC
Dave Adler, DOE
Brian Henry, DOE
James Daffron, DOE
Patricia Halsey, DOE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

RCY

SEP - 4 2018

August 29, 2018

CCY
JBS

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Michael Japp
Federal Facility Agreement Project Manager
Oak Ridge Office of Environmental Management
U.S. Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831

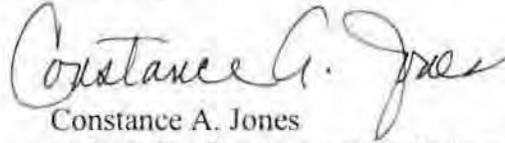
Dear Mr. Japp:

The Record of Decision (ROD) for the Department of Energy (DOE) proposed Environmental Management Disposal Facility (EMDF), based on the Federal Facility Agreement (FFA), Appendix E for the Oak Ridge Reservation, currently has a milestone of September 17, 2018. The FFA and the National Contingency Plan at FFA Section XIV, Remedial Action Plan(s)/Record(s) of Decision and § 300.430 (f)(3)(F), respectively, require a responsiveness summary addressing public comments received on the Proposed Plan to be included in the ROD. Since the Proposed Plan has not been provided for public review and comment, the DOE should modify the current milestone by extending the submission date in accordance with the requirements identified at FFA Section XIX, Timetables and Deadlines, for submitting this D1 primary document. Further, the Focused Feasibility Study (FFS), a Primary Document that evaluates wastewater management alternatives that will be selected in the ROD, is currently in formal dispute regarding the FFS's failure to evaluate CERCLA and NCP-compliant effluent discharge alternatives. DOE can note the FFS dispute as "good cause" for an extension as provided in FFA Section XXX (EXTENSIONS), subsection A.3 ("Good cause exists for an extension when sought in regard to [a] delay caused by the good faith invocation of dispute resolution . . ."). The timely resolution of this dispute, especially if it can be resolved prior to the end of the public comment period, should minimize any delay to submittal of the ROD.

Based on the issues surrounding the proposed EMDF and the impact on the public release of the Proposed Plan and the subsequent D1 ROD, the DOE is urged to modify the milestone for the ROD as soon as possible and well in advance of the currently projected milestone.

If you have any questions, please contact me at 404-562-8551.

Sincerely,

A handwritten signature in black ink that reads "Constance A. Jones". The signature is written in a cursive style with a large initial "C".

Constance A. Jones
Federal Facility Agreement Project Manager
Restoration & Site Evaluation Branch
Superfund Division

cc: Randy Young, TDEC
Patricia Halsey, DOE
David Adler, DOE
Brian Henry, DOE
Brad Stephenson, TDEC
John Blevins, DOE
ORSSAB



Department of Energy

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

PROGRAM SITE PROJECT
ROUTE TO PCY

August 28, 2018

AUG 30 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

cc/
JBS

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 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 about four months; however, every attempt will be made to submit the ROD (and subsequent documents) as soon as possible prior to the stated extended dates.

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

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

Length of extension sought: About four months (83 working days) for each milestone.

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

- ROD: January 9, 2019
- RDWP: October 10, 2019
- RDR/RAWP: September 15, 2020

CERTIFIED – RETURN RECEIPT REQUESTED
(JONES 7009 2820 0001 9922 2689)
(YOUNG 7009 2820 0001 9922 2696)

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

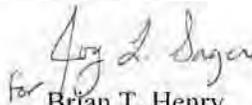
Good cause for extension: The reason for this extension is under Federal Facility Agreement Subsection XXX.B.3 (good cause) due to delays caused by the good faith invocation of dispute resolution. The U.S. Department of Energy is proposing these new dates to allow enough time to submit the Proposed Plan to the public, and incorporate the public responsiveness summary into the ROD prior to its submittal to the regulators for review.

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

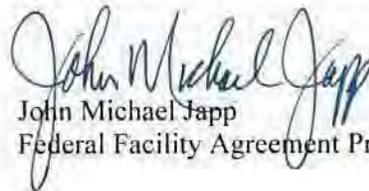
Description of project implementation strategy: The implementation strategy is to continue with scheduled meetings and work to complete the Proposed Plan associated dispute, with submittal of the Proposed Plan to the public followed by incorporation of the responsiveness summary into the ROD.

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,



Brian T. Henry
Portfolio Federal Project Director



John Michael Japp
Federal Facility Agreement Project Manager

cc:
Carl Froede, EPA Region 4
Susan DePaoli, Pro2Serve
Sidney Garland, RSI, K-1580, MS-7119
SSAB
Brad Stephenson, TDEC, Oak Ridge
Julie Pfeffer, UCOR
Tanya Salamacha, UCOR
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Dave Adler, EM-94
James Daffron, EM-921
Pat Halsey, EM-942