



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

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

February 13, 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 37831-8540

**Re: Federal Facility Agreement Milestone Modification Request for the Environmental Management Disposal Facility Record of Decision (ROD) and Follow-On Documents**

Dear Mr. Japp

The Tennessee Department of Environment and Conservation (TDEC) – Division of Remediation (DoR) received the referenced milestone extension requests for the proposed Environmental Management Disposal Facility (EMDF) on February 7, 2019. In accordance with the Federal Facility Agreement for the Oak Ridge Reservation, the State approves the milestone extension requests. State approval of the schedule extension is based on the following:

- Extension of the public comment period for the Proposed Plan
- Partial government shutdown that impacted the Environmental Protection Agency [lasting 35 days from December 22, 2018 until January 25, 2019].

The new submittal date will be April 8, 2019 for the EMDF D1 Record of Decision (ROD). If the ROD selects onsite disposal, additional submittal dates include January 8, 2020 for the EMDF RDWP and December 14, 2020 for the EMDF Remedial Design Report/Remedial Action Work Plan (RDR/RAWP).

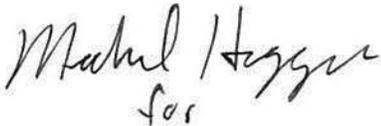
In addition to approving DOE's request, TDEC supports DOE's efforts to resolve key concerns identified in the State Acceptance section of the Proposed Plan. Those concerns include, but are not limited to, the need for:

- Waste Acceptance Criteria (WAC), determined by the U.S. Department of Energy (DOE) to achieve Performance Assessment (PA) and Composite Analysis (CA) requirements and verified by TDEC to meet Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requirements
- Landfill wastewater discharge limits that meet CERCLA requirements and resolve the ongoing formal dispute regarding the second draft (D2) of the *Focused Feasibility Study (FFS) for Water Management for the Disposal of CERCLA Waste on the Oak Ridge Reservation, Oak Ridge, Tennessee.*

In addition to time needed to resolve State concerns, TDEC also supports DOE taking the time necessary to develop substantive responses to approximately 250 comments received from 195 individuals and organizations during the public comment period on the Proposed Plan. Moreover, community members expressed the need for additional public review *after* DOE provides the information needed to resolve State and citizen concerns and *before* the ROD codifies a decision. After additional public review, the State would be in a better position to evaluate public comments in the context of technical information available at that time to determine if approval, disapproval, or modification of the proposed remedy is appropriate to comply with CERCLA, the Federal Facility Agreement (FFA) for the Oak Ridge Reservation (ORR), and the National Oil and Hazardous Substances Pollution Contingency Plan, also known as the National Contingency Plan (NCP).

Please direct any questions or comments regarding the contents of this letter to Brad Stephenson. You may reach him at the above address or by phone at (865) 220-6587.

Sincerely

A handwritten signature in cursive script that reads "Randy C. Young". Below the signature, the word "for" is written in a smaller, simpler font.

Randy C. Young  
FFA Manager

xc Connie Jones, EPA  
Pat Halsey, DOE  
Amy Fitzgerald, ORRCA  
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

February 12, 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:

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 February 5, 2019, and received by the EPA on February 9, 2019.

DOE cited delays caused by extending the EMDF Proposed Plan public comment period and the 35-day partial government shutdown as good cause for the extension. Despite these delays, the DOE stated that every attempt will be made to submit these documents earlier than the dates requested in this extension. None of these extensions should adversely impact subsequent Federal Facility Agreement (FFA) schedules or milestones.

In accordance with FFA, Subsection XXX.B.6, 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 in Central Bear Creek Valley.

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. As EPA has stated previously, it is hoped that the formal dispute regarding the EMDF Wastewater Focused Feasibility Study will be resolved prior to DOE's submission of the D1 ROD.

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

D1 ROD: April 8, 2019

RDWP: January 8, 2020

RDR/RAWP: December 14, 2020

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

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 cursive script that reads "Constance Allison Jones".

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

cc: Brad Stephenson, TDEC (electronic copy)  
Beth Rowan, TDEC (electronic copy)  
Dave Adler, DOE (electronic copy)  
Brian Henry, DOE (electronic copy)  
Pat Halsey, DOE (electronic copy)  
ORSSAB (electronic copy)



PROGRAM	SITE	PROJECT #	FILE SEQUENCE
Department of Energy			

Department of Energy

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

**ROUTE TO:** JBS

FEB - 7 2019

February 5, 2019

**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

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 one month; 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: March 8, 2019
- RDWP: December 10, 2019
- RDR/RAWP: November 13, 2020

**Length of extension sought:** About one month (22 working days) for each milestone.

**CERTIFIED – RETURN RECEIPT REQUESTED**  
(JONES 7009 2820 0001 9922 5529)  
(YOUNG 7009 2820 0001 9922 5536)

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

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

ROD: April 8, 2019

RDWP: January 8, 2020

RDR/RAWP: December 14, 2020

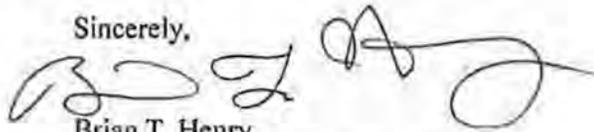
**Good cause for extension:** The reason for this extension is under Federal Facility Agreement Subsection XXX.B.4 (grant of an extension in regard to another timetable) due to delays caused by extension of the public comment period for the Proposed Plan and XXX.B.1 (grant of extension in regard to an event of force majeure) related to the partial government shutdown that impacted the Environmental Protection Agency. The U.S. Department of Energy is proposing these new dates to allow enough time to fully respond to comments in the public responsiveness summary in the ROD, and allow sufficient time to discuss responses with all parties, prior to its incorporation into the 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 continue with scheduled meetings and work to complete the responsiveness summary to public comments, and incorporate it into the ROD.

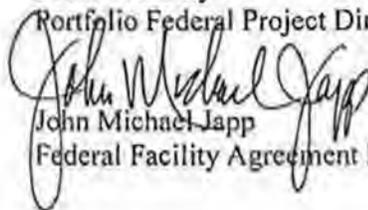
If you have any questions or if we can be of further assistance, please contact John Michael Japp at (865) 241-6344 or Brian Henry at (865) 241-8340.

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

Tanya Salamacha, UCOR

[ETTPDMC@ettp.doe.gov](mailto:ETTPDMC@ettp.doe.gov)

James Daffron, EM-921

Pat Halsey, EM-942

Laura Wilkerson, EM-90

**CERTIFIED – RETURN RECEIPT REQUESTED**

(JONES 7009 2820 0001 9922 5529)

(YOUNG 7009 2820 0001 9922 5536)