



## REGION 4

ATLANTA, GA 30303

August 1, 2024

Mr. Roger Petrie  
Federal Facility Agreement Project Manager  
Oak Ridge Office for Environmental Management  
U.S. Department of Energy  
Post Office Box 2001  
Oak Ridge, Tennessee 37831

Dear Mr. Petrie:

Thank you for your letter responses dated June 20, 2024, and July 25, 2024, regarding compliance with the Oak Ridge Reservation (ORR) Federal Facility Agreement (FFA). The EPA is also in receipt of the documents shared by DOE via One Drive related to excavation and waste handling in the area being prepared for construction of the future Lithium Processing Facility. The EPA is reviewing the DOE's supporting documents.

The Record of Decision (ROD) for Phase II Interim Remedial Actions for Contaminated Soils and Scrapyard in Upper East Fork Poplar Creek (DOE/OR/01-2229&D3) was approved 19 years ago in April 2006. This Interim ROD "addressed contaminated soil, scrap, buried waste and subsurface structures throughout the Y-12 industrial area." Land Use Controls (LUC) are also part of the remedy. Subsurface soils (soils greater than 2' below surface) and other media were not fully addressed in the 2006 interim ROD and are still subject to Remedial Investigation and, potentially, removal and remedial actions.

The recent work performed in Exposure Unit 5 at Y-12 National Security Complex (Y-12), triggered additional communication among DOE offices. The EPA supports DOE's commitment to continue to improve communications. Any work involving known or suspected hazardous substance contamination within a CERCLA Operable Unit is "CERCLA work" for which the DOE is required under the FFA to plan and coordinate with the EPA and the Tennessee Department of Environment and Conservation (TDEC), regardless of which DOE Office performs the work.

The EPA has a different view of the LUC requirements than those outlined in your July 25, 2024, letter, and the EPA has a policy against providing no action assurances, none the less, the EPA is amenable to the proposed path forward for withdrawing the informal dispute. As has been discussed, the FFA parties will work together to prevent subsequent misunderstandings. In particular, the FFA parties have convened a LUC workgroup which will review LUCs, clarify LUCs as needed, and ensure LUC implementation by clearly defining implementation activities, roles, and responsibilities. In addition, the EPA is committed to up-front coordination with OREM, NNSA, and TDEC, where construction

activities at Y-12 will impact contaminated subsurface soils to ensure the CERCLA process is implemented while supporting the Y-12 mission.

The EPA looks forward to working with the DOE to continue process improvements to prevent similar situations in the future. In addition to weekly in-person FFA Project Manager meetings, I am available for further discussions in person or at 404-909-0839.

Sincerely,

Samantha Urquhart-Foster  
FFA Project Manager  
DOE Section, Federal Facilities Branch

cc: Jill Fortney, DOE  
Sam Scheffler, DOE  
Erin Sutton, DOE  
Glenn Adams, EPA  
Cathy Amoroso, EPA  
Martha Brock, EPA  
Dana Casey, TDEC  
Randy Young, TDEC  
Chloe Ashley, YFO  
Terry Slack, YFO  
Glenn Smolens, YFO  
Sid Garland, UCOR  
OROEM Mailroom