



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

APPROVAL OF COVENANT DEFERRAL REQUEST

The United States Department of Energy (DOE) has requested that the U.S. Environmental Protection Agency approve DOE's request to defer the deed covenant required by Section 120(h)(3)(A)(ii)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). DOE maintains that this approval will facilitate DOE's transfer of real property on the Oak Ridge Reservation (ORR) National Priorities List Site before it has been determined that all necessary remedial action has been taken. DOE has designated the property, which is located at ORR's East Tennessee Technology Park (ETTP) as follows:

The Property subject to the covenant deferral request comprises a portion of Zone 2, as defined in the Zone 2 Soils, Slabs, and Subsurface Record of Decision (ROD). Zone 2 has been divided into Exposure Units (EUs). The Property subject to the covenant deferral request is located in three (3) EUs: Portal 4 in EU Z2-31 (0.22 acres), Portal 11 in EU Z2-23 (0.51 acres) and road segments contained in 9th Avenue in EU Z1-32 (0.34 acres) and 10th Avenue in EU Z2-32 (0.28 acres). The Property to be transferred is a total of 1.3 acres, more or less, and is located in the eastern portion of the ETTP Heritage Center.

The K-1070 C/D Burial Grounds are upgradient of the Property. The impact of the contaminated groundwater plume emanating from the burial grounds on the Property has not been assessed. The EPA expects the remedial action for the groundwater associated with the K-1070 C/D Burial Grounds will be addressed consistent with CERCLA and the NCP as part of the Main Plant Groundwater ROD and will result in a remedial action that is protective of human health and the environment.

Based on the attached Findings, and in the exercise of authority granted to the EPA under CERCLA Section 120(h)(3)(C) to approve the deferral of this covenant upon determining that the Property is suitable for transfer prior to completion of all necessary remedial action, I have so determined and I hereby APPROVE this request.

This approval is expressly contingent upon the transfer proceeding to a final recorded Deed as presented to the EPA in the CDR, Environmental Baseline Survey and draft Deed, including the Response Action Assurances, the characterization of contamination on the Property, the extent and definition of the Property, the intended use of the Property, and Public Notice and opportunity for comment as required. Any change to the underlying contingencies will effect a revocation of this approval.

In accordance with CERCLA Section 120(h)(3)(C), the covenant may not be deferred unless and until the Governor of Tennessee, or his delegatee, has concurred in this deferral.

Carol J. Monell, Director
Superfund & Emergency Management Division
Region 4

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