

ORR-14-0022

I-00631-0831

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

May 2, 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Michael Japp
 Federal Facility Agreement Manager
 Department of Energy
 Oak Ridge Operations Office
 P.O. Box 2001
 Oak Ridge, Tennessee 37831-8540

**SUBJ: Strategic Plan for Mercury Remediation at the
 Y-12 National Nuclear Security Complex
 (DOE/OR/01-2605&D2; January 2014)
 U.S. Department of Energy Oak Ridge Reservation (DOE ORR)**

Dear Mr. Japp:

The Environmental Protection Agency (EPA) has completed its review of the subject document. The letter transmitting the document did not clarify how this document would be finalized as a document that represents the Federal Facility Agreement (FFA) party's concurrence, including subsequent modifications over the life of this long term strategy. This matter could be addressed in the context of finalizing a Primary Document or Secondary document feeding a Primary Document under FFA Section XXI. Alternatively, finalization of this strategic plan could be in the form of an FFA Modification of Appendix G to incorporate the plan into Appendix G. Pursuant to FFA Section XVIII, Appendix G is used as a "*primary tool in establishing priorities*" and that is a primary objective of the subject document.

EPA's review of the subject document and the supporting comment responses have identified an issue raised in our review of the D1 document that has not been adequately addressed in the D2 document and the comment responses (i.e., General Comment 4, and Specific Comment 13 and 36). Specifically, it appears that high concentrations in subsurface soils of toxic mercury contamination, including pure phase or elemental mercury, that represent a principal threat is not being addressed. Section 2.2.1.1 of the strategy summarizes the interim objectives of the interim Phase I and Phase II RODs. The Phase I ROD addressed a portion of the mercury principal threat contamination that is mobile and thereby a threat to surface water and groundwater. The Phase II ROD also addresses mercury contamination that is a threat to surface water and groundwater. However, these two RODs and future final RODs for groundwater and surface water operable units do not, and will not appear to address less mobile forms of mercury contamination in

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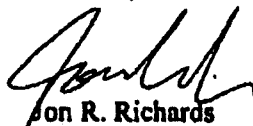
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subsurface soils that represent high concentrations of toxic compounds but are below the depth the Phase II ROD zone of direct exposure (i.e., 2 or 10 feet). EPA's concern is that this strategy, as described, would result in leaving significant volumes of immobile mercury contamination in soils at depth without evaluating remedial alternatives that would include preferences for treatment of the immobile mercury. This concern has also been raised in the informal dispute over the remedial design for the 81-10 mercury source area that remains unresolved. Therefore, EPA is deferring further review of this strategy document in order ensure that the strategy is consistent with final resolution of the 81-10 mercury source area dispute.

Finally, response actions for mercury contamination source buildings were included in the DOE ORR Action Memorandum signed by DOE ORR on September 27, 2010 (DOE/OR/01-2462&D2). EPA is concerned that the planning and implementation of the cleanup of the primary mercury use structures (i.e., Alpha 2, 4 and 5, and Beta 4) under removal response actions involve EPA review and concurrence. This will ensure an opportunity for EPA's input in the removal action documentation that addresses these mercury source buildings in support of the long-term remedial actions planned and the overall mercury cleanup strategy. As you know, the FFA does not identify Primary Documents for portions of removal actions other than Waste Handling Plans and the Phased Construction Completion Reports. Therefore, EPA requests the strategy specifically include EPA review and concurrence of the removal action work plans, including sampling and analysis plans associated with site monitoring during the building demolition process.

Please call Jon Richards at (404) 562-8648, or Jeff Crane at (404) 562-8546 for follow up or questions.

Sincerely,



Jon R. Richards
Remedial Project Manager
AL/FL/MS/TN Federal Oversight Section
Federal Facilities Branch
Superfund Division



Jeffrey L. Crane
FFA Project Manager
AL/FL/MS/TN Federal Oversight Section
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cc: Roger Petrie, TDEC
Curt Myers, TDEC
Jason Darby, DOE ORR
SSAB