

DOE-17-0018



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

December 9, 2016

Mr. Dave Adler
Mr. Brian Henry
Oak Ridge Office of Environmental Management
Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831-8540

Dear Mr. Adler and Mr. Henry:

The Tennessee Department of Environment and Conservation (TDEC) and the Environmental Protection Agency (EPA) recognize the urgency for selecting a waste disposal option for the Department of Energy's (DOE's) Oak Ridge Reservation (ORR). Disposal options include a potential new DOE ORR landfill referred to as the Environmental Management Disposal Facility (EMDF). The purpose of this letter is to support identification of Site 7c, pending further characterization, as the most promising on-site disposal option. This site provides the potential to meet the DOE ORR's estimated capacity needs, and will not require a permanent underdrain.

TDEC and EPA also accept the concept of a "caveated" approach, proposed by DOE ORR, that will continue additional assessment activities prior to the Record of Decision (ROD). This enables completion of the work after approval of two "caveated" Primary Documents submitted for the EMDF project: 1) Remedial Investigation/Feasibility Study (RI/FS) for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Oak Ridge Reservation Waste Disposal, Oak Ridge, Tennessee; and, 2) the proposed plan (PP). Under this approach, the Federal Facility Agreement (FFA) parties must agree on caveats and expectations. The caveats and expectations would be documented in an Informal Dispute Resolution Agreement (IDRA), and in the RI/FS and PP, which would allow TDEC and EPA to approve the caveated RI/FS and PP prior to completion of assessment activities.

Although the caveats are not yet finalized, the approvals would be based on two principles.

1. Additional information shall be obtained to confirm certain assumptions made in the RI/FS. These assumptions will be tested by parallel data gathering and analysis efforts concurrent with other CERCLA remedy selection activities, including formal and informal public comment.
2. The RI/FS and PP will be "caveated" to recognize assumptions that additional actions will either substantiate or call in to question; DOE ORR will not submit a D1 ROD until the FFA parties agree that the "caveats" have been validated and expectations have been met.

DOE ORR must resolve outstanding disputed issues on the RI/FS and the *Focused Feasibility Study for Water Management for the Disposal of CERCLA Waste on the Oak Ridge Reservation, Oak Ridge, Tennessee*. After completing the assessment activities, if the activities validate the preferred alternative

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identified in the PP, DOE ORR will modify the RI/FS to include these activities prior to submission of the DI ROD. If the assessment activities do not support retaining Site 7c as the preferred alternative, the FFA Parties will return to the RI/FS process.

Actions to be completed before submittal of the DI ROD include the following:

- Development of Waste Acceptance Criteria (WAC) and the approach to assuring compliance with the WAC.
- Implementation of the DOE Order 435.1 process, as if EMDF was not being developed pursuant to CERCLA, including acquisition of a preliminary Disposal Authorization Statement prior to signing the ROD.
- DOE-funded TDEC independent modeling of Site 7c to support WAC development.
- Characterization of Site 7c to confirm the site is suitable for construction with no waste disposal cell being built over an underdrain at any time with allowance for temporary underdrains under the supporting structures only.
- Community outreach efforts will be conducted following approval of the RI/FS and preceding submission of the Proposed Plan to the public. Completion of the assessment activities will be followed by additional community outreach, including acceptance of public comment.

While this letter expresses support for a conceptual approach, it does not indicate approval of the D4 or D5 RI/FS without further review and resolution of all issues in dispute, or the Proposed Plan.

If you have any questions regarding this matter, please contact Chris Thompson at (865) 220-6598 or Richard Campbell at (404) 562-8825.

Sincerely,



Richard Campbell, P.E., Chief
Restoration & DOE Coordination Section
Restoration & Site Evaluation Branch
Superfund Division
Environmental Protection Agency



Chris Thompson, Deputy Director
Division of Remediation,
Oak Ridge Office
Tennessee Department of
Environment and Conservation

cc: Mr. Andy Binford, TDEC
Mr. John Michael Japp, DOE ORR
Ms. Laura Wilkerson, DOE ORR

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