



STATE OF TENNESSEE  
 DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
 Division of Remediation - Oak Ridge  
 761 Emory Valley Road  
 Oak Ridge, Tennessee 37830

January 23, 2018

Mr. John Michael Japp  
 DOE FFA Project Manager  
 P.O. Box 2001  
 Oak Ridge, TN 37831-8540

Dear Mr. Japp

**TDEC Comment Letter**

**Errata Pages for the Remedial Investigation/Feasibility Study for Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA], Oak Ridge Reservation Waste Disposal, Oak Ridge, Tennessee (DOE/OR/01-2535&D5)**

Pursuant to the Federal Facility Agreement (FFA) for the Oak Ridge Reservation (ORR), the Tennessee Department of Environment and Conservation (TDEC) - Division of Remediation (DoR) reviewed the subject submittal that we received on January 12, 2018. The U.S. Department of Energy (DOE) - Oak Ridge Office of Environmental Management (OREM) elected to replace four pages (pages 6-83 through 6-86) of the D5 Remedial Investigation/Feasibility Study (RI/FS) report following resolution of a formal dispute over comments on that document from TDEC and the U.S. Environmental Protection Agency (EPA). This letter presents TDEC's evaluation of the four-page RI/FS "errata" submitted by OREM.

The transmittal letter states that OREM issued the pages to add a paragraph explaining plans to obtain site-specific data. The additional report text says that OREM will obtain site-specific data (such as water levels and geotechnical information) at proposed on-site disposal locations that have limited site-specific information, such as the Central Bear Creek Valley location at Site 7c.

The inserted text also notes that field investigations will be agreed upon by the three FFA parties (DOE, EPA and TDEC), and the parties will evaluate the data which will be documented in a technical memorandum and added to the Administrative Record prior to public comment on the CERCLA Proposed Plan. For clarification, the Dispute Resolution Agreement (DRA) signed on December 7, 2017 says, "*The results and analysis of the field investigation in accordance with the FSP [field sampling plan] shall be included in the administrative record and the Proposed Plan public comment period shall be provided thereafter. This field investigation and EPA/TDEC's review of the results thereof, shall be conducted prior to execution of the Record of Decision (ROD) and shall be used in selecting the remedy*" (text bolded for emphasis).

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Mr. John Michael Japp

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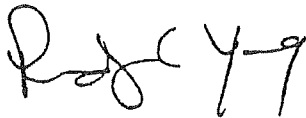
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The DRA also states that the Proposed Plan will include a TDEC/EPA-approved FSP as an appendix. TDEC expects OREM to resolve EPA and TDEC comments on the FSP, submitted on January 4 and 16, respectively, so that it may be approved and attached to the Proposed Plan. TDEC will also use the Site 7c characterization data in independent verification of modeling referenced in DRA item 5, assessing whether CERCLA criteria are met, and evaluating Applicable or Relevant and Appropriate Requirements (ARARs) referenced in DRA item 6.

OREM's "errata" provides only a one-paragraph modification of the D5 RI/FS report to outline a general path forward for documenting characterization data for Site 7c. The "errata" submittal does not resolve numerous RI/FS deficiencies, described in TDEC's April 21, 2017 comment letter, nor does this submittal result in an approvable RI/FS report.

Questions or comments regarding the contents of this letter should be directed to Brad Stephenson at the above address or by phone at (865) 220-6587.

Sincerely



Randy Young  
FFA Manager

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