



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
NASHVILLE, TENNESSEE 37243-0435

ROBERT J. MARTINEAU, JR.
COMMISSIONER

BILL HASLAM
GOVERNOR

January 13, 2017

Mr. John A Mullis II
Acting Manager
Department of Energy
Oak Ridge Office of Environmental Management
P.O. Box 2001
Oak Ridge, Tennessee 37831

Subject: EMDF D5 Remedial Investigation and Feasibility Study (RI/FS)

Dear Mr. Mullis:

We received your December 21, 2016 letter with an attached Environmental Management Disposal Facility (EMDF) Informal Dispute Resolution Agreement (IDRA) and a January 6, 2017 deadline for finalizing the IDRA. We appreciate your flexibility in providing TDEC an additional week to submit a response.

I was in the midst of preparing a response to your December 21 letter to clarify misconceptions concerning TDEC's expectations and the completeness of the DOE proposal for proceeding with creation of a new onsite disposal facility when we had the call on Monday, January 9 with you, John Blevins, Randall Chaffins and Franklin Hill. Based on that discussion and follow-up email, it is my understanding that DOE will submit a revised EMDF D5 RI/FS including all comments resolved to date within about 2 weeks for TDEC and EPA to review. TDEC will prioritize that review to identify remaining issues.

There will remain issues that were not successfully addressed during previous technical discussions including modeling and site characterization. TDEC technical personnel remain hopeful that modeling issues can be resolved through a combination of (1) the DOE Order 435.1 process, Low-Level Waste Disposal Facility Federal Review Group (LFRG) review and approval, and obtaining a disposal authorization; and (2) independent modeling. If DOE supports this approach, our December 22, 2016 email included a draft scope of work for independent modeling that we requested a letter of commitment from DOE so TDEC can proceed with contract procurement.

Another remaining issue referenced in your letter concerned TDEC's preference for a waste disposal site without a permanent underdrain. This is more than a preference and we believe that utilizing an underdrain would require waiving at least one Applicable or Relevant and Appropriate Requirement (ARAR). In this case, creation of the rapid transport pathway could result in more restrictive waste acceptance criteria to assure the protectiveness of the remedy. Site-specific waivers would only be granted considering a compelling evaluation and assurance that the remedial action and the site conditions are protective of human health and environment. That being said, I believe there is currently a fundamental misunderstanding between TDEC and DOE about 1) the definition of "permanent" underdrain, and 2) the types of underdrains TDEC has approved in a few limited cases.

If your staff has questions on this letter, please have them contact Chris Thompson at (865) 220-6598.

Thank you,

A handwritten signature in blue ink that reads "Shari L. Meghreblian, PhD". The signature is fluid and cursive, with the "PhD" part written in a slightly larger and more distinct font.

Shari L. Meghreblian, PhD
Deputy Commissioner

Cc: Randall Chaffins, EPA
Steve Goins, TDEC
Chris Thompson, TDEC
Andy Binford, TDEC