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STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Remediation - Oak Ridge
761 Emory Valley Road
Oak Ridge, Tennessee 37830

APR - 1 2019

March 28, 2019

Mr. John Michael Japp
DOE FFA Project Manager
Oak Ridge Office of Environmental Management
U.S. Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831-8540

Re: Field Sampling Plan for Baseline Groundwater and Surface Water Characterization at the Proposed Environmental Management Disposal Facility, Oak Ridge, Tennessee (DOE/OR/01-2812&D1)

Dear Mr. Japp

The Tennessee Department of Environment and Conservation (TDEC) – Division of Remediation received the subject document for the U.S. Department of Energy's (DOE's) proposed Environmental Management Disposal Facility (EMDF) on March 15, 2019. TDEC will review the Field Sampling Plan (FSP) if the State of Tennessee approves a Record of Decision (ROD) that selects onsite disposal of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) waste.

During September 2018, DOE issued the EMDF Proposed Plan identifying onsite disposal at the CBCV site as the preferred alternative. The Proposed Plan includes outstanding tasks to complete before deciding whether to build EMDF. Local community members provided numerous comments on the Proposed Plan, including the need to complete outstanding tasks before making a decision. In accordance with CERCLA, a ROD documents the remedial action decision. Per the FFA, DOE, the U.S. Environmental Protection Agency, and TDEC make the ROD decision jointly. These parties have not signed a ROD for onsite disposal. Without a ROD authorizing construction of an onsite landfill, the FSP is a pre-decisional document.

The National Oil and Hazardous Substances Pollution Contingency Plan says a remedy may not be selected until it has been determined to meet CERCLA threshold criteria including overall protection of human health and the environment and compliance with applicable or relevant and appropriate requirements. It is the State's position that the seven key concerns identified in the State Acceptance section of the Proposed Plan must be resolved to demonstrate that threshold criteria are met. For these reasons, it would be premature for TDEC to review the FSP before approving a ROD that selects onsite disposal of CERCLA waste.

Please direct any questions or comments regarding this letter to Brad Stephenson. You may reach him at the above address or by phone at (865) 220-6587.

Sincerely

A handwritten signature in blue ink that reads "Randy C. Young". The signature is written in a cursive style with a large initial "R" and a long horizontal stroke.

Randy C. Young
FFA Manager

cc Connie Jones, EPA
 Pat Halsey, DOE
 Amy Fitzgerald, ORRCA
 Shelley Kimel, SSAB
 Ron Woody, ORRCA
 Amanda Daugherty, ORRCA