



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

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

December 7, 2020

Mr. Roger Petrie
DOE FFA Project Manager
Oak Ridge Office of Environmental Management
U.S. Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831-2001

Federal Facility Agreement (FFA) Milestone Extension Request for Environmental Management Disposal Facility (EMDF) Record of Decision (ROD) and Follow-on Documents (November 25, 2020)

Dear Mr. Petrie

The Tennessee Department of Environment and Conservation (TDEC) reviewed the request cited above pursuant to the FFA for the Oak Ridge Reservation. The State approves the extensions requested by the U.S. Department of Energy (DOE) because of delays associated with good-faith efforts to resolve a dispute regarding protective wastewater discharge limits.

As requested by DOE, the new submittal dates will be July 12, 2021 for the ROD, April 14, 2022 for the Remedial Design Work Plan (RDWP), and March 20, 2023 for the Remedial Design Report (RDR) / Remedial Action Work Plan (RAWP). TDEC appreciates DOE efforts to resolve outstanding concerns, including ongoing work to resolve issues with the Performance Assessment (PA) and Composite Analysis (CA) reports. TDEC looks forward to resolution of all seven key concerns documented in the Proposed Plan.

Please direct any questions or comments regarding this letter to Brad Stephenson at 865-220-6587.

Sincerely

Randy C. Young
TDEC FFA Manager

ec: Carl Froede, EPA
Connie Jones, EPA
Pat Halsey, DOE
Dennis Mayton, DOE
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

December 1, 2020

VIA ELECTRONIC MAIL

Mr. Roger Petrie
Federal Facility Agreement Manager
Oak Ridge Office for Environmental Management
Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831

Dear Mr. Petrie:

This letter responds to the Department of Energy's (DOE) November 25, 2020 letter (received electronically by EPA on November 25, 2020), requesting an extension pursuant to the Oak Ridge Federal Facility Agreement (FFA) and milestones associated with the Environmental Management Disposal Facility (EMDF). The current milestones are:

D1 ROD: December 15, 2020
RDWP: September 17, 2021
RDR/RAWP: August 23, 2022

This request is consistent with Section XXX of the Oak Ridge Reservation FFA and the EPA agrees with the requested extension for the reasons provided below and reiterates issues conveyed in previous letters (see July 25, 2019 and July 31, 2019).

DOE provided as its basis for the extension under Section XXX.B.3 (delay caused by the good faith invocation of dispute resolution) and Section XXX.B.6, (Good Cause) the need to allow continued discussions among representatives from the U.S. Environmental Protection Agency, DOE, and the Tennessee Department of Environment and Conservation on the Focused Feasibility Study for Water Management for the Disposal of CERCLA Waste on the Oak Ridge Reservation, Oak Ridge, Tennessee (DOE/OR/01-2664&D2) dispute concerning the regulation of wastewater effluents containing source, special nuclear and byproduct materials, and to then inform the draft ROD. Every effort will be made to submit the ROD prior to the new milestone date, depending on resolution of the dispute.

The EPA agrees that DOE has established good cause under FFA Section XXX.B.3 for the extensions requested. The EPA will continue to work with the DOE to maintain open communication concerning project status, issues, and schedules as we progress toward determining the site suitability and protectiveness of the EMDF at Site 7c in Central Bear Creek Valley.

The EPA is approving the request as submitted with the new EMDF milestones to be reflected as follows:

D1 ROD: July 12, 2021
RDWP: April 14, 2022
RDR/RAWP: March 20, 2023

Due to the cost of the EMDF project as proposed, the EPA Administrator will select the remedy and Region 4 will brief the EPA Administrator prior to remedy selection.

Finally, EPA notes that the formal dispute regarding the EMWMF-EMDF Wastewater Focused Feasibility Study (FFS) has not been resolved. Consistent with FFA Section XXVI.J and to facilitate review of the ROD, the results of the Administrator's decision should be incorporated into DOE's submission of the D1 ROD (as well as a revision of the FFS). It is unknown whether an extension to July 12, 2021 will allow DOE to submit a D1 document consistent with this FFA requirement. If DOE is unable to incorporate the decision of the Administrator by July 12, 2021, it should submit a timely additional extension request that allows the fulfillment of this FFA requirement.

If you have any questions regarding this matter, please contact Carl Froede, Jr. at (404) 562-8550 [Froede.Carl@epa.gov] or me at (404) 562-8551 [Jones.Constance@epa.gov].

Sincerely,

Constance A. Jones, FFA Project Manager
Restoration & DOE Coordination Section
Restoration & Site Evaluation Branch
Superfund & Emergency Management Division

cc: Randy Young, TDEC
Brad Stephenson, TDEC
Beth Rowan, TDEC
Dave Adler, DOE
Brian Henry, DOE
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Michael Mathes, DOE
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DOE Mail Room
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Department of Energy

Oak Ridge Office of Environmental Management
P.O. Box 2001
Oak Ridge, Tennessee 37831

November 25, 2020

Ms. Constance A. Jones
Superfund and Emergency Management Division
U.S. Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

Mr. Randy C. Young
State of Tennessee
Department of Environment and Conservation
Division of Remediation – Oak Ridge
761 Emory Valley Road
Oak Ridge, Tennessee 37830-7072

Dear Ms. Jones and Mr. Young:

FEDERAL FACILITY AGREEMENT MILESTONE EXTENSION REQUEST FOR ENVIRONMENTAL MANAGEMENT DISPOSAL FACILITY RECORD OF DECISION AND FOLLOW-ON DOCUMENTS

In accordance with the *Federal Facility Agreement for the Oak Ridge Reservation*, Section XXX, *Extensions*, the U.S. Department of Energy (DOE) requests your approval to modify the Appendix E milestone dates for submission of the Record of Decision (ROD), the Remedial Design Work Plan (RDWP), and the Remedial Design Report/Remedial Action Work Plan (RDR/RAWP) for the Environmental Management Disposal Facility.

Schedule and dates sought to be extended: The current milestones are as follows:

ROD: December 15, 2020
RDWP: September 17, 2021
RDR/RAWP: August 23, 2022

Length of extension sought: About seven months for all documents.

New milestone date: The requested new milestone dates are as follows:

ROD: July 12, 2021
RDWP: April 14, 2022
RDR/RAWP: March 20, 2023

FEDERAL FACILITY AGREEMENT MILESTONE EXTENSION REQUEST FOR ENVIRONMENTAL MANAGEMENT DISPOSAL FACILITY RECORD OF DECISION AND FOLLOW-ON DOCUMENTS

Good cause for extension: The reason for this extension is given under Federal Facility Agreement Subsection XXX.B.3 (delay caused by the good faith invocation of dispute resolution) and Subsection XXX.B.6, *Good Cause*. The extension is needed to allow continued discussions among representatives from the U.S. Environmental Protection Agency, DOE, and the Tennessee Department of Environment and Conservation on the *Focused Feasibility Study for Water Management for the Disposal of CERCLA Waste on the Oak Ridge Reservation, Oak Ridge, Tennessee* (DOE/OR/01-2664&D2) dispute concerning the regulation of wastewater effluents containing source, special nuclear and byproduct materials, and to then inform the draft ROD. Every effort will be made to submit the ROD prior to the new milestone date, depending on resolution of the dispute.

Related schedules impacted if extension granted: The delay in these milestones should not impact any other milestones; however, delays in providing additional onsite waste disposal capacity will impact future cleanup work at the Y-12 National Security Complex and the Oak Ridge National Laboratory.

Description of project implementation strategy: The implementation strategy is to allow sufficient time for discussions between the U.S. Environmental Protection Agency, Tennessee Department of Environment and Conservation, and DOE to inform the submittal and review of the draft (D1) ROD.

If you have any questions, or if we can be of further assistance, please contact Roger Petrie at (865) 241-6344 or Brian Henry at (865) 241-8340.

Sincerely,

**BRIAN
HENRY**

Brian T. Henry
Portfolio Federal Project Director

Digitally signed by BRIAN
HENRY
Date: 2020.11.12
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**ROGER
PETRIE**

Roger B. Petrie
Federal Facility Agreement Project Manager

Digitally signed by
ROGER PETRIE
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cc:

Carl Froede, EPA Region 4
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