



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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

October 2, 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

Dear Mr. Japp

**Federal Facility Agreement Milestone Modification Request For The Environmental Management Disposal Facility Record Of Decision And Follow-On Documents**

The Tennessee Department of Environment and Conservation, Division of Remediation Oak Ridge Office (DoR-ORO), has reviewed the above referenced request pursuant to the Federal Facility Agreement for the Oak Ridge Reservation. Because of the good faith delays associated with the invocation of dispute resolution with this project, the State approves the milestone extension requests. The new submittal dates will be October 31, 2019 for the EMDF ROD, August 4, 2020 for the EMDF RDWP, and July 9, 2021 for the EMDF RDR/RAWP.

TDEC will not reiterate the expectations for the ROD that were discussed in the TDEC letter dated August 12, 2019 on this same subject. However, TDEC does expect for the FFA parties to resolve TDEC's key concerns documented both in that letter and in the project's Proposed Plan.

Questions or comments concerning the contents of this letter should be directed to Brad Stephenson at (865) 220-6587.

Sincerely

A handwritten signature in black ink, appearing to read "Randy C. Young".

Randy C. Young,  
FFA Manager

Xc: Amy Fitzgerald, ORCCA  
Shelley Kimel, SSAB  
Ron Woody, ORRCA  
Amanda Daughtery, ORRCA

Ec: Connie Jones, EPA  
Pat Halsey, DOE  
Tanya Salamacha, UCOR  
Sid Garland, UCOR



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

September 30, 2019

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

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

Dear Mr. Japp:

This purpose of this letter is to respond to the Department of Energy's (DOE) September 26, 2019, request for an extension, under Section XXX of the Oak Ridge Reservation Federal Facility Agreement (FFA), of the D1 Record of Decision (ROD) for the Environmental Management Disposal Facility (EMDF). The extension request was received electronically on September 30, 2019. The Environmental Protection Agency agrees with the extension request for the reasons provided below and reiterates its July 31, 2019 letter.

DOE provided as its basis for the extension:

“...under Federal Facility Agreement Subsection XXX.B.3 (delay caused by the good faith invocation of dispute resolution) and Subsection XXX.B.6. The reason for the delay is 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 (FFS) 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 following the September 6 meeting, to inform the draft ROD.

The EPA agrees that DOE has established good cause under FFA Section XXX.B.3 (a delay caused by the good faith invocation of dispute resolution) for the extension request. 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 milestones to be reflected as follows:

ROD: October 31, 2019  
RDWP: August 4, 2020  
RDR/RAWP: July 9, 2021

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 has not been resolved. Consistent with FFA Section XXVI.J and to facilitate review of the ROD, the results of Administrator's decision should be incorporated into DOE's submission of the DI ROD (as well as a revision of the FFS). It is unknown whether an extension to October 31, 2019, will allow for DOE to submit a DI consistent with this FFA requirement. If DOE is unable to incorporate a decision of the Administrator by October 31, 2019, it should timely submit an additional extension request that provides sufficient time to fulfill this FFA requirement, given the facts of the time of the additional extension request submittal.

If you have any questions regarding this matter, please contact Carl Froede, Jr. at (404) 562-8550 or me at (404) 562-8551.

Sincerely,

A handwritten signature in cursive script that reads "Constance A. Jones". The signature is written in black ink and is positioned above the typed name and title.

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

cc: Randy Young, TDEC (electronic copy)  
Cathleen Burnette, TDEC (electronic copy)  
Brad Stephenson, TDEC (electronic copy)  
Beth Rowan, TDEC (electronic copy)  
Dave Adler, DOE (electronic copy)  
Brian Henry, DOE (electronic copy)  
Pat Halsey, DOE (electronic copy)  
ORSSAB (electronic copy)





Department of Energy

PROGRAM	SITE	PROJECT #	FILE SEQUENCE

ROUTE TO: *PCY*

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

September 26, 2019

SEP 27 2019

**CERTIFIED MAIL**

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, 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. This extension requests moving the milestones out four weeks for the ROD, RDWP and RDR/RAWP.

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

ROD: September 30, 2019  
RDWP: July 2, 2020  
RDR/RAWP: June 8, 2021

**Length of extension sought:** About four weeks (24 working days) for all documents.

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

ROD: October 31, 2019  
RDWP: August 4, 2020  
RDR/RAWP: July 9, 2021

**CERTIFIED – RETURN RECEIPT REQUESTED**  
(JONES 7017 2620 0000 6500 3658)  
(YOUNG 7017 2620 0000 6500 3665)

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

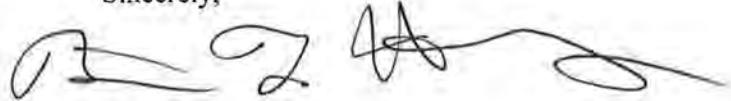
**Good cause for extension:** The reason for this extension is given under Federal Facility Agreement Subsection XXX.B.3 (delay caused by the good faith invocation of dispute resolution) and Subsection XXX.B.6. The reason for the delay is to allow continued discussions among representatives from the 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 following the September 6 meeting, to inform the draft ROD.

**Related schedules impacted if extension granted:** The delay in these milestones should not impact any other schedules or milestones.

**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 John Michael Japp at (865) 241-6344 or Brian Henry at (865) 241-8340.

Sincerely,



Brian T. Henry  
Portfolio Federal Project Director



John Michael Japp  
Federal Facility Agreement Project Manager

cc:

Carl Froede, EPA Region 4  
Susan DePaoli, Pro2Serve  
Sid Garland, RSI  
SSAB  
Brad Stephenson, TDEC, Oak Ridge  
Julie Pfeffer, UCOR

Tanya Salamacha, UCOR  
[ETTPDMC@ettp.doe.gov](mailto:ETTPDMC@ettp.doe.gov)  
Dave Adler, EM-94  
Joy Sager, EM-921  
Pat Halsey, EM-942