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DOE/EA-1175/ATTACH-1

**RESPONSES TO PUBLIC AND AGENCY COMMENTS
ON THE
DRAFT ENVIRONMENTAL ASSESSMENT
FOR
LEASE OF LAND AND FACILITIES
AT THE
EAST TENNESSEE TECHNOLOGY PARK
OAK RIDGE, TENNESSEE
(DOE/EA-1175)**



NOVEMBER 1997.

**U.S. DEPARTMENT OF ENERGY
OAK RIDGE OPERATIONS OFFICE
OAK RIDGE, TENNESSEE**

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1. INTRODUCTION

On March 17, 1997, the U.S. Department of Energy (DOE) issued a Draft Environmental Assessment (EA), which was prepared to meet the requirements of the National Environmental Policy Act (NEPA). The DOE action evaluated in the EA was the proposed expansion of DOE's leasing program of land and facilities at the former DOE K-25 Site in Oak Ridge, Tennessee (now the East Tennessee Technology Park). Comments on the EA were received from the public and various agencies and organizations over a 2-month period that ended on May 15, 1997. This report provides a summary of comments received and explains their resolution, which included revising the EA before the NEPA review process concluded with the issuance of a Finding of No Significant Impact.

Original comment letters and attachments have been placed in the DOE Public Reading Room located in the American Museum of Science and Energy, Oak Ridge, Tennessee. The Final EA, a Finding of No Significant Impact (FONSI) for the proposed action, and this comment-response summary are also available for public review at this location.

2. SCOPE AND ORGANIZATION

DOE received a total of 273 specific comments, which were provided by one federal agency, several agencies of the state of Tennessee, four local environmental advisory boards, one environmental organization, and three individuals, who are identified in Table 1.

Table 1. Agencies, organizations and individuals who offered comments on the draft environmental assessment for lease of East Tennessee Technology Park (ETTP) land and facilities.

Tennessee Department of Environment and Conservation/DOE Oversight Division, Division of Water Pollution Control, Division of Radiological Health	Oak Ridge Reservation Environmental Management Site Specific Advisory Board (SSAB)	Mr. Robert Peelle
City of Oak Ridge Environmental Quality Advisory Board	Oak Ridge Environmental Peace Alliance	Ms. Barbara Walton
Oak Ridge Reservation Local Oversight Committee	Roane County Environmental Review Board	Ms. Sandra Reid (SSAB member)
	U.S. Environmental Protection Agency, Region IV	

Original comments are provided as an appendix to this summary. Notations in the margin assign alphanumeric codes to each comment. Because many comments expressed similar concerns or raised similar issues, DOE grouped them into 14 subject areas for this response summary (Table 2). The alphanumeric codes for specific comments relevant to each subject area are given within the response to comments. Some comments which do not relate specifically to the EA, but rather were directed at DOE policy or programs other than reindustrialization or other local and regional issues, did not warrant responses in this summary. In addition, attachments supporting a commentor's position submitted with some comment letters were used, where applicable, in the preparation of the final EA, but specific responses do not appear in this summary.

Table 2. Comments received by the U.S. Department of Energy on the draft environmental assessment for lease of land and facilities at the East Tennessee Technology Park, grouped by subject area.

- DOE NEPA review process
- Purpose of the EA
- Scope of the EA
- Proposed action and alternatives
- Purpose of and need for action
- Public involvement in NEPA process
- Relationship between NEPA and CERCLA review process
- Effects of Toxic Substances Control Act waste incinerator
- Regulatory requirements and oversight
- Barge terminal lease
- Surrogate industries
- Quality of data
- Impacts Analysis
 - Air quality
 - Geology and soils
 - Water resources
 - Socioeconomics
 - Cultural resources
 - Traffic
 - Noise
 - Health and safety
 - Accidents
 - Cumulative impacts
- Editorial comments

3. COMMENTS AND RESPONSES

The following sections of this report summarize the nature of comments received by DOE according to subject area. A summary of comments is provided, followed by a list of relevant comments by alphanumeric code, and finally, by a summary of DOE's response and/or a reference to revisions incorporated in the final EA. The reader may refer to the appendix to this report to review original comments.

3.1 DOE NEPA Review Process/Categorical Exclusions

3.1.1 Summary of Comments

Commentors state that current leases do not appear to have met the requirements of NEPA and other statutes and regulations. Commentors feel that leases executed in 1996 and 1997, which were categorically excluded from NEPA, limit the choice of reasonable alternatives available to the decision maker. Specifically, they questioned the NEPA documentation for a DOE contract with British Nuclear Fuels, Ltd. (BNFL) to decontaminate three structures at K-25 and a DOE lease of the barge terminal at K-25. They also contend that the use of CX B1.24 for leases and transfers of property for several K-25 facilities was based on a comparison of proposed uses with former site uses and did not include a careful evaluation of potential air emissions, water effluents, and other environmental impacts. Also, they believe that CX B1.24 is being applied for actions *before* the transfer rather than at the time of the transfer.

Commentors would like all CXs to be documented and copies of CX determinations included in the EA as an appendix, including the applicable criteria that allow use of specific CXs. They want the EA to provide a table listing leases and subleases granted under a CX, including information on why each was granted.

Some commentors would like DOE to conduct both a NEPA review and CERCLA evaluation for each lease.

Relevant Comment Numbers: Q27, Q28, Q29, L10, S7, S8, S19, M3, M4, M6, M14, R11, C4, O3, O4, O5, W7

3.1.2 Response/Revisions

Categorical exclusions were developed by DOE and made available for public comment in the *Federal Register* as part of a rulemaking process prior to their being incorporated into DOE's codified NEPA Implementing Procedures (10 CFR 1021). The DOE Oak Ridge Operations (ORO) NEPA Compliance Officer (NCO) renders decisions on actions proposed to be categorically excluded from NEPA review, based on information provided by DOE program or project managers.

Categorical exclusion documentation is available for public review upon request. DOE finds no value added to this EA by including copies of CX determinations. Criteria for CX determinations are listed in DOE NEPA Implementing Procedures (10 CFR 1021.410), which is publicly available in the *Federal Register*, Vol. 57, No. 80, Friday, April 24, 1992. In 1996, DOE amended 10 CFR 1021 regulations (*Federal Register*, Vol. 61, No. 132, Tuesday, July 9, 1996). Among the changes are revisions to lists of "typical classes of actions" found in Subpart D, including the addition of new CXs, modifications that expand or remove existing CXs, and clarifications. The criteria for CXs A.7 and B.1.24 are discussed in the amended regulations. Before an action is categorically excluded using CX B1.24, the potential for adverse impacts is considered. In the case of the barge terminal, the lease action met the criteria of the CX in that it was a transfer of uncontaminated land for use in conjunction with operation of the leased barge terminal. A review of the proposed use of the land as a barge laydown area resulted in a conclusion that there would not be any lessening in quality, or increases in volumes, concentrations, or discharge rates of : wastes, air emissions, or water effluents, and that ecological and cultural resources would not be impacted.

DOE has contracted with BNFL to decontaminate and decommission (D&D) Buildings K-29, K-31, and K-33 as a CERCLA non-time-critical removal action. The BNFL effort was evaluated during the CERCLA review process, which incorporates NEPA values to the extent practicable in accordance with the DOE Secretarial Policy on NEPA issued in June 1994.

3.2 Purpose of the EA

3.2.1 Summary of Comments

Commentors indicated that the purpose of the EA is unclear, as DOE has already made the decision to proceed with leasing. They contend that the EA could not support a Finding of No Significant Impact (FONSI) for the full range of hypothetical activities postulated, and that DOE would have to conduct additional NEPA review for each proposed lease. It was recommended that DOE perform and document an environmental mini-review of every proposed lease rather than using the EA to support a blanket FONSI covering all possible future leases of K-25, and that a mitigated FONSI and a mitigation plan be developed for this proposed action in combination with the mitigated FONSI and Mitigation Action Plan for lease of Parcel ED-1.

Relevant Comment Numbers: Q30, L2, L9, S35

3.2.2 Response/Revisions

While it is true that DOE began this leasing program for reindustrialization in 1996, most leases executed were for "same-use" purposes and could be categorically excluded from NEPA review. At the time, the extent of industrial development that would be acceptable at the ETTP was undefined. Thus, this EA was prepared to assist DOE in broadly examining the potential effects of a range of possible industrial uses of the site. This EA is not, however, intended to provide a FONSI that will cover all potential uses of ETTP land and facilities. All actions proposed by lessees will undergo environmental review.

As leases are negotiated, DOE reviews environmental data and information provided by potential tenants to determine whether or not their proposal falls within the bounds of the impacts analysis in this EA. This information will include, but not be limited to, details about construction/demolition/operation proposed by the lessee/sublessee; potential emissions, effluents, and wastes expected to be generated by these activities; pollution prevention, recycling and waste minimization plans; proposed handling, treatment, transport and disposal of wastes; materials to be stored and used onsite; utility and infrastructure requirements; and other relevant information. DOE will use this information in its review of the proposal and determine the level of NEPA analysis that will be needed. Source terms (e.g., emission rates) of actions taken by future tenants and project activities may differ from those characterized and analyzed in this EA. Prior to execution of each lease, DOE will review each action to be undertaken by a proposed tenant and all source terms associated with a proposed use to determine whether or not they fall within the bounding scenarios evaluated in this EA. If they do, the impacts analysis of this EA will apply, and no further NEPA documentation will be necessary. If they do not, DOE will determine the appropriate level of NEPA documentation to evaluate impacts and will conduct such a review. Section 1.3.2 of the EA has been revised to clarify the purpose of the EA.

The NEPA process for lease of Parcel ED-1 to CROET was completed in April 1996, and a conceptual development plan for the parcel is being reviewed. ETTP reindustrialization will involve primarily reuse of existing structures or new construction in previously disturbed areas, while Parcel ED-1 is a relatively undisturbed area of land upon which new facilities will be built.

There appears to be no value added for DOE to integrate the FONSI and MAP for Parcel ED-1 with the findings of this EA for lease of K-25 land and facilities.

3.3 Scope of the EA

3.3.1 Summary of Comments

Reviewers made suggestions about the definition of the proposed action and alternatives, the kinds of alternatives evaluated, and the issues evaluated in the EA. Some felt that the scope of the draft EA was too generic, indicating that it did not analyze the potential environmental impacts of specific actions. It was

suggested that the EA evaluate "how leasing is conducted" rather than "whether or not to lease", or that the proposed action be defined as "replacing jobs lost by government downsizing". Other alternatives to the proposed action were suggested, including development of the site as an eco-industrial park. It was recommended that the EA be withdrawn and a revised EA be prepared to incorporate a "real" bounding analysis of potential impacts, including cumulative impacts, by looking at an industrial mix that represent minimal impacts and a mix that represents maximum adverse impacts. Criteria by which DOE determines whether or not lessees' actions are within the bounds of the EA should be discussed.

It was suggested that DOE conduct a bench marking study to determine how NEPA compliance was achieved and what lessons were learned with other privatized and reindustrialized federal facilities. A comment requested that the EA address environmental issues for Parcel ED-1. Another stated that the NEPA review process has been segmented, in violation of implementing regulations, by K-29, K-31, and K-33 decontamination actions being addressed during the CERCLA environmental review process and separate NEPA review of the barge terminal lease. Comments wanted the EA to reflect ongoing and/or relevant studies such as the one prepared for the Clinch River/Poplar Creek Operable Unit under CERCLA.

Relevant Comment Numbers: Q5, Q6, Q17, Q26, S1, S33, S34, S58, R1, R2, R3, R4, R11, R12, R13, R14, R16, E1, O1, O2, O12, W1

3.3.2 Response/Revisions

DOE agrees with comments that suggest development of an eco-industrial park at ETTP and will work within the constraints of available funding to execute leases that will result in the most environmentally acceptable uses. DOE envisions the ETTP as an integrated science and technology complex operated in partnership with the private sector. DOE also agrees that the initial description of the proposed action for which a decision was to be made (whether or not to lease land and facilities at ETTP) was inaccurate. When the draft EA was prepared in 1996, DOE had executed leases of facilities at ETTP primarily for "same-purpose" use, which is an action that may be categorically excluded from the NEPA review process per DOE NEPA regulations (10 CFR 1021). The focus of the EA was intended to be proposed actions (leases) which *would not* be for same-purpose use and would, therefore, except in isolated cases, be eligible for categorical exclusion. By the time the EA was released for public comment in March 1997, reindustrialization plans were accelerating rapidly, and potential leases were being negotiated. Thus, in preparing the final EA, DOE decided that it would be more appropriate to define the proposed action as "an expansion of its leasing program" and that the focus of the impacts analysis would be a range of potential industrial uses of ETTP facilities.

In the absence of detailed information, DOE developed reasonably foreseeable scenarios to bound the impacts analysis, which are discussed in Sect. 2.1.3 of the EA. Scenarios identify potential tenants, utilities and infrastructure, areas to be excluded from development, and a range of emissions, effluents, and wastes

that would result from industrial activities. Facilities in the Oak Ridge area representative of industries that conform to city of Oak Ridge zoning requirements were contacted by DOE to gather information about their emissions, effluents, and wastes; their environmental permits and licenses; and environmental concerns and issues that are associated with their operation. In addition, DOE conducted telephone interviews to obtain similar information from potential industrial clients who have expressed an interest in locating in East Tennessee.

Section 1.3 of the EA has been revised to be responsive to comments on the D&D of K-29, K-31, and K-33, the lease of the barge terminal, and potential effects on the Clinch River-Poplar Creek Operable Unit.

3.4 Proposed Action and Alternatives

3.4.1 Summary of Comments

Commentors requested that information in the draft EA concerning existing and proposed leases be updated, especially Table 2.1, and that DOE better define what is meant by facility or area that would be subject to environmental review documentation prior to leasing. In addition, they asked that DOE clarify parties responsible for cleanup and/or decontamination and schedules involved. As part of the description of the proposed action, reviewers want DOE to indicate the volume of waste stored in buildings K-29, K-31, K-33, and to describe storage, treatment, and disposal of non-CERCLA wastes. They also asked DOE to explain what is meant by "related items have also been leased by an intermodal transportation company", since this appears to be the backbone of the proposed action. Comments recommended that the EA discuss methods to be used, waste types and volumes that would be generated, disposition of wastes, and oversight of cleanup activities.

Commentors stated that the EA fails to identify a no-action alternative that is any different than the proposed action.

Relevant Comment Numbers: Q22, Q30, L2, L9, S3, S4, S6, S37, S43, M9, M20, D5, D6, D7, D8, D9, D10, D13, D14, O10, W2

3.4.2 Response/Revisions

DOE decided that including a list of leases executed to date and/or those being presently negotiated would add no value to the analysis in this EA, as these actions were reviewed and determined to be categorically excludable from NEPA review. As discussed in the revised Section 2.1.2 of the EA, the responsibility and schedule for decontamination of specific facilities, waste management actions, and/or other preparation necessary prior to leasing will be predetermined during the lease negotiation process. Such

information is not available for inclusion in the EA. Because the actions to be taken as part of the Environmental Restoration Program are subject to change, DOE decided to delete Table 2.1 from the EA. Section 2.1.1 of the EA provides details about the land and facilities that may be leased, and Section 2.1.2 explains how the environmental review of each potential lease is conducted.

Waste management activities are discussed in the EA (Section 2.2.2) to provide information on the environmental *status quo* at the ETTP, which is the basis of the no-action alternative against which the impacts of the proposed action are measured. The contribution of ETTP waste storage, treatment, and disposal activities to local and regional cumulative impacts are discussed in Section 4.3 of the EA.

DOE disagrees with the comment that the no-action alternative is no different than the proposed action for the following reasons:

- (1) With the proposed action, environmental cleanup at ETTP would be accelerated because DOE is willing to barter underutilized equipment and facilities with potential lessees in return for their decontamination at lessees' expense. As a result, environmental restoration funds for leased facilities would be conserved, and DOE could then apply them to other environmental restoration projects. Whether or not a lessee performs cleanup activities, cost savings would also result from a decreased need for federal surveillance and maintenance at ETTP, and these savings may also accelerate cleanup.
- (2) Another of the objectives of the reindustrialization program is to provide new employment opportunities for displaced federal and federal-contractor workers in the Oak Ridge area. No action would not provide such opportunities.

These topics are discussed in Section 1.2 of the EA.

3.5 Purpose of and Need for the Action

3.5.1 Summary of Comments

Comments stated that the purpose and need for the federal action is not clearly defined and that the fulfillment of FFA requirements must not be contingent upon leasing land/facilities or participation of lessees in the decontamination process. Commentors stated that leasing partially remediated buildings in lieu of full cleanup is unacceptable and only a short-term solution. They also felt that there is a conflict between DOE leasing to high-quality tenants while achieving cost savings related to decontamination. They would like DOE to maintain its efforts to decontaminate and decommission buildings and develop technologies to achieve full cleanup. Commentors requested specific examples of how leasing will speed up the schedules for cleanup and decommissioning.

Relevant Comment Numbers: Q1, Q2, D12, E-3, O6, O14

3.5.2 Response/Revisions

DOE agrees that achievement of the terms of the FFA will not be dependent upon the leasing program. Text of Section 1.2 has been revised to clarify this point. Leased facilities that require decontamination will be cleaned up by DOE, the tenant, or in the case of shared use of a facility, both, to the standards agreed upon in the FFA for the future use of the facility and under a negotiable schedule. Because specific leases that define responsibilities and schedules for decontamination have not yet been executed, such information is not available for inclusion in the EA. Information is available to the public about Environmental Restoration Program planned activities and schedules.

3.6 Public Involvement/Participation

3.6.1 Summary of Comments

It was stated that the demand for speedy review of the EA ignores the intent of NEPA and DOE's stated purpose to foster early and open communication between DOE and affected states and stakeholders. Commentors believe that there appears to be a rush to force decisions that will have long-reaching effects, that these issues need to be carefully evaluated by stakeholders with full disclosure, that meetings between EPA and DOE should be held with full public participation, that there is a lack of public involvement in the CX process, and that DOE is making decisions without public participation and effectively identifying the present hazards and characterizations of the buildings, the site, and the surrounding environment. They indicated that document appendices and references must be made available for public perusal.

Relevant Comment Numbers: M1, M7, M8, M11, M13

3.6.2 Response/Revisions:

DOE NEPA Implementing Procedures prescribe actions to be taken to ensure public participation in the DOE NEPA review process (10 CFR 1021.301). The DOE NCO renders decisions on actions proposed to be categorically excluded from NEPA review. Categorical exclusions were developed by DOE and made available for public comment in the *Federal Register* as part of a rulemaking process prior to their being incorporated into DOE's codified NEPA Implementing Procedures (10 CFR 1021). Although DOE regulations do not require written documentation of CX decisions, some CXs are available for public review upon request, as are appendices and references associated with all NEPA documents.

When an EA is the planned level of NEPA review, public involvement is generally in the form of written announcements of opportunities for document review. For this EA, DOE announced the EA Determination and the Notice of Intent to prepare an EA in local newspapers, and state agencies and local government and civic organizations were notified in correspondence from the NCO. Interested parties were advised to contact the NEPA Document Manager for placement on a list of recipients of the draft EA. In response to public requests, DOE extended the typical 30-day comment period on the EA to a 60-day period. Finally, DOE has prepared this comment-response summary as an effort to inform the public of its consideration of their comments in the preparation of the final EA.

3.7 Relationship Between NEPA and CERCLA Reviews

3.7.1 Summary of Comments

Commentors claim that the EA does not evaluate the impacts of site cleanup, but defers to the CERCLA process. They recommended FFA siting of an onsite or offsite waste management facility be examined under NEPA, not CERCLA, and indicated that such a facility should have a RCRA permit if not in the immediate location of the contaminated site. Commentors asked the following questions: What happens if tenants are not found to help with the cleanup or if tenants fail to meet their commitments? Could reindustrialization interfere with effective remediation? Commentors noted that the EA is inconsistent with previous planning documents that indicate that the site would be restored to greenfield status by 2010. They would like the EA to present and discuss DOE's assumptions regarding post-2010 remedial work and funding that would be required under the proposed action and alternatives.

Comments stated that the EA does not indicate that EPA and the state of Tennessee have documented the condition of land and facilities as required under CERCLA 120(h), which raises questions about the validity of subsequent leases. They stated that EPA Region 4 has not concurred with DOE's determination that environmental conditions of the property, and terms and conditions of the lease agreement for Building K-1036, are consistent with safety and protection of public health and the environment. They ask whether or not there are base numbers on record of lands and buildings to insure that they are not left in worse condition than when they are leased, and what is the mechanism for promoting remediation, if necessary, by the lessee?

Relevant Comment Numbers: Q3, Q4, Q7, Q11, Q12, Q24, L8, S18, M10, D6, O7

3.7.2 Response/Revisions

Environmental Restoration Program activities for CERCLA projects are reviewed as part of the CERCLA environmental review process, the provisions of which are specified in 40 CFR 300 and the FFA. In accordance with the DOE Secretarial Policy on NEPA issued in June 1994, each CERCLA review incorporates NEPA values, to the extent practicable and commensurate with the scope of the action. This policy, which was developed with public participation and stakeholder interactions, eliminates redundant efforts, saving taxpayer dollars.

Siting and development of a CERCLA waste disposal facility is a project that falls into this category. Discussion of this facility has been deleted from the EA with the exception of text in Section 4.3, which describes the contribution of this and other planned or ongoing projects to local and regional cumulative impacts. Interested parties are referred to the publicly available DOE CERCLA documentation for this project for further details.

Leased facilities that require decontamination must be cleaned up by DOE, the tenant, or both to the standards established in the FFA and in accordance with a negotiable schedule. Because specific leases that define responsibilities and schedules for decontamination have not yet been executed, such information is not available for inclusion in the EA. Tenant and/or DOE responsibilities regarding cleanup will be documented either in the lease or another mutually agreed upon mechanism.

Information in the EA was correctly represented for plans that existed at the time of publication. Environmental Restoration Program planned activities and schedules are subject to change, depending on funding and other variables. Information on program plans and schedules are available to the public by request and in stakeholder public meetings regularly held by DOE.

Section 2.1.2 of the EA has been revised to explain that, prior to execution of a lease, DOE assesses the condition of a building and/or land and determines if any classification or other issues exist. The baseline is documented in a report modeled after the requirements of CERCLA 120(h) and is included as an attachment to the lease. This documentation serves as a reference for future evaluation of the condition of a leased facility at the expiration of a lease. Further, each lease will require that the lessee return the facility to the same conditions described in the 120(h) report.

In addition to the CERCLA 120(h) report that identifies hazardous materials (per 40 CFR 373) that are present, stored, or have been released at the facility or land area proposed to be leased, DOE prepares a screening human health risk assessment. These documents are provided to EPA and TDEC, and their comments are addressed prior to signing of a lease.

EPA and DOE are presently engaged in a discussion of the leasing authorities which DOE may choose to utilize in the reindustrialization program and which have different requirements for EPA concurrence. For example, the lease of Bldg. K-1036 was signed under the authority of Section 161(g) of the Atomic Energy Act, which does not require EPA concurrence.

3.8 Barge Terminal Lease

3.8.1 Summary of Comments

Commentors stated that the lease and subsequent use of the K-25 barge facility is closely connected to other actions evaluated in the EA and should be addressed to avoid segmentation of actions. They noted that the discussion of impacts of the barge terminal and associated dredging needs to be consistent with current regulatory analyses and agreements and that oversight of activities on this area of the Clinch River is provided by a Task Force that includes DOE, the state of Tennessee, and TVA. Commentors wanted the EA to evaluate environmental impacts upstream and downstream of the barge terminal that result from river sediment disruption by propeller- and wake-induced turbulence, especially with regard to cesium-137. Commentors questioned the use of the toxicity characteristic leaching procedure (TCLP) to determine if dredged sediments are suitable for use as fill.

Relevant Comment Numbers: Q26, L46, L47, L48, L50, S64, S65, S66, S72, M9, M23, R10, O4

3.8.2 Response/Revisions

The lease of the barge facility to CROET has been a phased effort. The first phase was executed for use of the terminal as is, and allows no activity in the river or at the terminal to improve navigation conditions. In the interim, CROET or whoever is responsible for future barge traffic may request that TVA elevate the river level sufficiently to allow barge traffic without the risk of sediment disturbance from propeller wash or wave action associated with barge movement.

A discussion of actions that would be necessary before dredging could be conducted in the river has been added to Section 1.3 of the EA. If dredging is proposed, the lessee or sublessee would be required to obtain a Section 404, Clean Water Act, dredge-and-fill permit from the Army Corps of Engineers (COE). Application for this permit would trigger a NEPA review of the proposed action by the COE and possibly, TVA. It would also trigger a review of the potential effects from sediment disturbance and suspension of cesium-137 and mercury by an interagency task force [DOE, Tennessee Valley Authority (TVA), Tennessee Department of Environment and Conservation (TDEC), Environmental Protection Agency (EPA) and the COE], which was established in a 1991 Interagency Agreement on Watts Bar Reservoir Permit Coordination.

Thus, an analysis of the impacts of dredging, while beyond the scope of this EA, will be addressed at a future time as part of the COE permitting process and the interagency task force review.

3.9 Toxic Substances Control Act Waste Incinerator

3.9.1 Summary of Comments

Several commentors requested that clarification be provided on the fact that the TSCA incinerator treats some off-site wastes. One commentor stated that a new EA must be prepared on waste presently being burned and plans for future waste disposal at the TSCA incinerator. Several commentors raised concerns about health effects from existing TSCA incinerator operations and that exposures of lessees to emissions from TSCA incinerator should be addressed in the EA.

Relevant Comment Numbers: S42, M15, D16, D22

3.9.2 Response/Revisions

Section 1.3.1 of the EA has been revised to indicate that continued operation of the Toxic Substances Control Act (TSCA) incinerator at ETPP is not evaluated in the EA, except for its contribution to cumulative impacts. Construction and operation of the TSCA incinerator was evaluated previously and results reported in an environmental impact statement (DOE 1982) and documented in a Record of Decision. Any subsequent actions proposed for the TSCA incinerator would be subject to NEPA review prior to their implementation. Public concerns about health impacts from ongoing TSCA operation are being evaluated by DOE in another forum, and an impacts analysis of such is beyond the scope of this EA.

3.10 Surrogate Industries

3.10.1 Summary of Comments

Commentors stated that the EA does not evaluate specific industries and their effects on site workers and the environment. They indicated that the EA should clearly identify the industries, processes, waste streams, and contaminants that would be involved with the proposed leasing action. They questioned the choice of surrogate industries used in the EA, specifically *computer components manufacturer*. Commentors want an intermodal transportation operation that uses the barge facility, rail lines, and a truck terminal to be considered as a surrogate industry.

Relevant Comment Numbers: Q16, L14, L15, L16, L42, L43, L52, S39, M2, M19, D11, O1, W8

3.10.2 Response/Revisions

DOE will not be able to evaluate the impacts of specific industries until potential lessees are identified, their projects reviewed and evaluated for environmental compliance purposes, and environmental briefings and exchanges of information completed. In Section 2.1.3 of the EA, DOE states that it is "seeking to market facilities and land for commercial uses specified in the city of Oak Ridge Zoning Ordinance (Chapter 7, Sect. 6-713 IND-2) These uses currently include metals recycling and fabrication; industrial services (e.g., laundry); administrative support services; laboratory services; warehousing; technology research, testing and demonstration; waste management, including recycling, waste treatment, and waste packaging; metals smelting and machining; manufacturing (including the use of uranium enrichment technology); and general office space. In the absence of detailed information, DOE has developed reasonably foreseeable scenarios to bound the impacts analysis. Scenarios identify potential tenants, utilities and infrastructure, areas to be excluded from development, and a range of emissions, effluents, and wastes that would result from industrial activities. Facilities in the Oak Ridge area representative of industries that conform to city of Oak Ridge zoning requirements were contacted by DOE to gather information about their emissions, effluents, and wastes; their environmental permits and licenses; and environmental concerns and issues that are associated with their operation. In addition, DOE conducted telephone interviews to obtain similar information from potential industrial clients who have expressed an interest in locating in East Tennessee.

Section 4.2.6 of the EA has been revised to include an analysis of the impacts of operations of an intermodal transportation firm at ETPP that currently uses truck and rail facilities.

3.11 Regulatory Oversight and Requirements

3.11.1 Summary of Comments

Commentors asked the following questions: Who will be responsible for and have regulatory oversight over ES&H of the individual industries and their operations? How will compliance with the city of Oak Ridge Zoning Ordinance be assured? Who will have the zoning authority? What role will DOE play? They indicated that DOE does not identify its own responsibilities or future remediation plans. Will tenants be expected to comply with local building, electrical, and plumbing codes and to obtain city permits for grading, construction, and utility services? Who will monitor lease restrictions and how will such monitoring be done? How will regulation by Tennessee OSHA be phased in? Jurisdictional questions about cross boundary exposures and emissions will arise and need to be addressed by monitoring, surveillance, and engineering controls. EPA and the state are critical participants in leasing and should be involved early and on a regular basis in assisting with inspecting spaces targeted for leasing and clearing them.

Commentors noted that categorically excluded leases did not consider that former activities were intensively regulated and inspected in accordance with DOE orders and work procedures, whereas activities under the leases do not appear to be subject to either DOE requirements, local building regulations, or similar private sector health and safety regulations. They want DOE to consider the potential implications of this reduction in oversight in all proposed leases and the EA.

The state of Tennessee indicated that DOE must comply with Tennessee regulatory standards unless proposed alternatives are equally protective of human health and the environment. They noted that the state supports economic development that makes sense, but not at the expense of necessary cleanup, and that it would expect compensation if cleanup is anything less than their standards. The state also expects DOE to meet its milestones under the FFA in a timely fashion. The state noted that appropriate regulations to be cited for facilities at K-25 to receive and possess radioactive material would be State Regulations for Protection Against Radiation, and effluents to the city sewer should be monitored for applicable radionuclides and should not exceed concentrations specified in state regulations, license conditions, or other city requirements.

Reviewers said that statements about meeting agreements in the FFA are inconsistent, and that TVA should be consulted concerning the potential impacts on the backwaters of Watts Bar Reservoir. They would like the EA to address the effect of leasing on the implementation of the proposed plan for the Clinch River/Poplar Creek Operable Unit, and that DOE add appendices with relevant sections of CERCLA and the ORR Hazardous and Solid Waste Amendment permit.

Commentors noted that any commercial company with a current radioactive material license from NRC or an agreement state would have to obtain a new license. An accurate assessment of any existing radioactive contamination is essential to determine the "added" contamination distinguishable from DOE's. Please clarify that the Agreement state or NRC will have full control in terms of compliance and inspections over leased facilities as they do over off site facilities. DOE should provide comments on the leasing protocol EPA transmitted on February 5, 1996, to allow it to be finalized and provide sufficient coordination for EPA, TDEC, and DOE.

Relevant Comment Numbers: Q13, Q12, Q14, Q15, Q29, L17, L19, L51, S5, S9, S10, S40, S41, S63, M5, M12, C1, C2, C3, D4, T1, T2, T3, T4, E2, E6, E7, O8

3.11.2 Response/Revisions

While DOE will not continue to conduct internal inspections and audits in leased facilities to ensure compliance with DOE environmental, health, and safety (ES&H) regulations (except on a general basis as the landlord) lessee activities and operations will not occur without oversight. Instead of DOE, state or federal regulatory agencies will oversee ES&H for commercial operations at ETPP.

The Atomic Energy Act of 1954, as amended, gives DOE the authority to regulate occupational safety and health at its facilities. For leased facilities, DOE intends to ultimately transfer occupational safety

and health oversight responsibilities to OSHA. Currently, however, OSHA has stated that it is not in a position at this time to assume regulatory authority for worker safety and health at privatized facilities such as the ETTP until further resources, such as personnel, funding for training and equipment, are obtained. Although OSHA has not accepted regulatory jurisdiction, DOE requires all lessees to meet OSHA standards and has developed a program to protect worker health and safety using the OSHA ASSIST program as a model. In order to avoid a regulatory gap and to ensure worker protection, ORO will provide safety and health oversight at the ETTP. Because DOE and OSHA's standards are essentially identical, DOE does not anticipate problems in requiring its lessee(s) to comply with safety and health requirements, whether they be the specific OSHA standards or the DOE Order which incorporates the OSHA standards. Lease language has been developed and incorporated into leases that defines for lessees the DOE requirements for employee health and safety. The language describes DOE's oversight role and the specific actions it has the authority to take, such as the right to inspect, review a lessee's Health and Safety Plan, and require the formation of an ETTP Safety Council. The lease also provides that DOE has the right to terminate the lease in the event that a lessee fails to substantially perform or comply with lease terms and conditions, such as the OSHA clause.

DOE will seek to transition the ETTP to regulation by appropriate codes and ordinances of local jurisdictions as the goal of a defederalized self-sustaining industrial park is realized. This transition will require close coordination with the local authorities. DOE will also continue to work to facilitate the appropriate level of state and EPA involvement in leasing activities. DOE currently notifies those agencies of intent to lease, provides a package defining the environmental baseline conditions per CERCLA 120(h) requirements, and provides responses to state and EPA comments prior to leasing. Lease conditions note that the requirements of the Federal Facility Agreement (FFA) take precedence wherever there is conflict. DOE acknowledges its responsibilities to TDEC and EPA with regard to the remediation of ETTP facilities to meet standards agreed upon in the FFA.

Lessees who propose actions that could affect the Watts Bar Reservoir and/or the CERCLA Clinch River-Poplar Creek Operable Unit will be required to consult with TVA and other agencies that comprise the interagency task force which was established in a 1991 Interagency Agreement on Watts Bar Reservoir Permit Coordination (see response to comment 3.8). CERCLA documents are publicly available, and DOE sees no value added by attaching them to the EA as appendices.

For commercial operations by a lessee involving radiological materials the responsibility to ensure compliance with all appropriate regulatory requirements rests with the lessee and those agencies regulating lessee activities [i.e., the Nuclear Regulatory Commission (NRC) or the Tennessee Department of Environment and Conservation (TDEC)]. For example, a lessee conducting operations involving radioactive materials may be required to obtain a Tennessee Radioactive Materials license that identifies the applicable radiation protection requirements. Under this scenario, DOE would not oversee the lessee's operations because TDEC is the agency responsible for enforcing the lessee's radiological materials license requirements. Because of DOE's continued responsibility for legacy waste, DOE will perform confirmatory

radiological surveys in known or suspected contaminated areas where a tenant is not licensed by either TDEC or NRC.

Section 4.2.9.1 of the EA has been revised to indicate that issues related to public exposures to effluents and emissions from individual lessee sources will be addressed by permits and regulations under the authority of the state of Tennessee similar to any other industrial park. A statement has also been added to Sect. 4.2.9.1 of the EA to clarify that the Nuclear Regulatory Commission or the state of Tennessee would regulate and inspect leased facilities for compliance with the terms of their radioactive materials licenses.

DOE and EPA are cooperating on development of a protocol for leasing. DOE has provided comments to EPA on the protocol proposed on February 5, 1997. While such information is related to the proposed action, it is not relevant to the impacts analysis in this EA.

3.12 Data Quality

3.12.1 Summary of Comments

Several commentors were concerned that the information and documentation in the Environmental Assessment (EA) was inaccurate and did not provide adequate support for obtaining a fully informed decision. Commentors felt that the Ten-Year Plan should not be relied on for schedules.

Relevant Comments Numbers: L20, M16, M18, O11

3.12.2 Response/Revisions

DOE's reindustrialization program is very fluid, and it is difficult to keep documentation on the status of the program current. The information in the Draft EA has been updated in response to the concerns raised and is based on the best available information that DOE could obtain for a review of this scope. The EA has been revised to reference the current Accelerated Cleanup Plan.

3.13 Air Quality Analysis

3.13.1 Summary of Comments

Commentors were concerned about the selection of EPA air quality monitoring stations for use in the EA and made suggestions that data from other sources would be more appropriate. Concerns were raised about the characterization of tornadoes and wind problems. Commentors wanted additional information on impacts of fluorides and an explanation of the anomalous 24-hr SO₂ concentration in 1994. Commentors were concerned about the analysis of impacts of the proposed action on the air quality of the Great Smoky

Mountains and the cumulative impacts of air emissions within the region. Commentors also stated that the impact analysis should consider new air quality standards for ozone and particulate matter.

Relevant Comment Numbers: Q18, Q23, L3, L22, L23, S26, S30, S46, S47, S48, M22, M24, R7, R8, R9, D2, D15, W10, W11

3.13.2 Response/Revisions

The data used for assessing air quality impacts comes from appropriate monitoring stations that have a sufficient period of monitoring and quality assurance to provide an adequate representation of air quality in the area. The EA has been modified to identify the fact that tornadoes can occur in the area. Also, the EA has been modified to indicate that some industries that process fluorine might locate at ETTP, and although it is not possible to estimate emissions of fluorine (as hydrofluoric acid, HF), a vent stack 5 m (about 16 feet) above ground level could continuously emit about 0.05 grams per second (about 0.4 lb/hour) without violating the Tennessee standards near the site boundary. The EA also has been modified to state that the 24-hour average SO₂ concentration (243 µg/m³) that occurred during 1994 (Table 3.2-2) was, in fact, anomalous—the second highest value during 1994 was 69µg/m³.

The EA provides a conservative indication of environmental effects of a very generalized proposed action, and the modeling is very conservative. Comparison of the results of this modeling with those of a more sophisticated modeling approach applied to more general considerations involving protection of air-quality related values in Great Smoky Mountains National Park (Lombardi 1996) indicated that the maximum concentration estimates obtained in this EA might be high by a factor of 1.5 to 2. Cumulative impacts associated with pollutant emissions arising from the construction and operation of the Knoxville Bypass are considered in the final EA. A detailed analysis of the myriad of possibilities for combinations of other industrial developments in the region, suggested by commentors, would be speculative at best and is not within the scope of this EA. The EA has been changed in several places to address the new National Ambient Air Quality Standards for ozone and particulate matter, which became effective on September 16, 1997.

3.14 Geology and Soils

3.14.1 Summary of Comments

Commentors raised concerns about information on the karst topography and contaminant migration pathways.

Relevant Comment Numbers: L26, L27, D17, D18

3.14.2 Response/Revisions

The EA has been updated with the latest information available on the geology and soils at the ETTP site and immediate surroundings. Contaminant migration through a conduit system related to karst topography is identified as part of the existing environment in the ETTP area, but there is no evidence of conduit-dominated flow within the Main Plant area. It is not anticipated that impacts from the proposed action would contribute to existing contaminant migration in this system. Constraints imposed by the underlying karst geology would certainly be considered before any new facilities were constructed at ETTP.

3.15 Water Resources

3.15.1 Summary of Comments

Commentors were concerned about impacts of pollution from the ORR on water resources in adjacent counties and the economic impact of such pollution on fishing, recreation, and tourism, especially in reference to the use of the barge facility at ETTP. TDEC indicated that no groundwater wells at the K-25 site are routinely monitored. TDEC stated that any impacts to water resources, including wetlands, are to be avoided if possible.

Relevant Comment Numbers: Q20, L29, L50, D2, D19, D20, D25, P2

3.15.2 Response/Revisions

The proposed action assessed in the EA would not contribute to pollution of water resources in counties surrounding ETTP because any discharges would be subject to detailed review during the permitting process. Concerns about use of the barge facility and mobilization of contaminated sediments are discussed in a separate response to comment 3.8 above. Implementation of the proposed action would contribute to cleanup activities underway at ETTP by removing contaminated materials from the site.

The updated EA indicates that prior to 1995–96, groundwater monitoring was sporadic and localized (site-specific). Detailed sitewide evaluations of groundwater flow and quality were completed in 1996. Since that time, groundwater sampling has been limited to compliance-related monitoring, specifically associated with post-closure monitoring for the K-1407B and C ponds. Required post-closure monitoring is limited to wells UNW-3 and UNW-9. However, in 1997 DOE initiated the Integrated Groundwater Quality Program, under which selected wells, springs, storm drains, surface water, and building sumps have been identified for long-term monitoring using a watershed approach. Locations included in this program include exit pathway monitoring points, key site-interior locations, principal watershed integration points, the aforementioned compliance monitoring wells, and selected offsite residential wells.

Impacts to wetlands are addressed in Sects. 4.1.4, and 4.2.4.3 of the EA.

3.16 Socioeconomics

3.16.1 Summary of Comments

Commentors were concerned about the use of 1993 employment information, the discussion of the tax situation, and the impact on the city and the counties to provide services without the offsetting revenue from property taxes.

Relevant Comment Numbers: Q9, Q19, Q21, L18, L30, L31, S27, S52, M21, M25, M26, B1, B2, B3, B4, B5, B6

3.16.2 Response/Revisions

The EA has been revised in response to these concerns. The discussion of employment in the EA has been updated using 1996 data. The revised EA states that the reuse of ETTP would have the positive effect of generating revenue for local governments through the local portion of the sales and use taxes paid by new industries for items purchased or used within the impact area. In addition, DOE plans to continue payments in lieu of taxes to local governments. Because most of the jobs associated with ETTP reuse would likely be filled by current residents rather than in-migrants, it is not likely that additional sales tax revenues generated by purchases made by direct and indirect workers would be substantial.

DOE is currently in the process of negotiating a lease with CROET for CROET's sublessees to provide utility services to ETTP in the near term. Under this arrangement, DOE and other tenants would buy services from CROET; and the fees paid for these services would contribute to a capital improvement fund to upgrade on-site services (Meredith 1997). During Fiscal Year 1998, tenants at ETTP will buy electricity from the city of Oak Ridge's electric utility. In roughly another five years, the city might choose to assume ownership of the ETTP water and sewage treatment systems and would then sell these services to DOE and all other ETTP tenants. Operation and maintenance of these facilities would require some local government expenditures, but would also result in additional revenues from user fees. A city acquisition of ETTP water and sewer systems would be voluntary and would only be undertaken by the city if analyses showed the potential profitability of such an arrangement. It is uncertain at this time whether or not the city would assume responsibility for fire protection at ETTP (Meredith 1997). As long as DOE requires on-site security, it will continue to provide this itself. DOE will also continue to provide emergency response services (Frounfelder 1997).

3.17 Land-Use Planning

3.17.1 Summary of Comments

Commentors were concerned that the EA did not reflect the current state of land use planning at the ORR, relying on the Common Ground Process.

Relevant Comment Numbers: O9

3.17.2 Response/Revisions

The discussion in Section 2 of the revised EA reflects the most current information available on land use planning for the ORR. Although the Draft EA did not rely on information from the Common Ground Process, the revised EA has deleted reference to that exercise.

3.18 Cultural Resources

3.18.1 Summary of Comments

Commentors felt that the EA should discuss the overall historical values of the site and how cultural resources would be managed or impacted under the alternatives considered in the EA. Commentors also stated that the EA should contain documentation of consultation with the State Historic Preservation Office.

Relevant Comment Numbers: Q8

3.18.2 Response/Revisions

The EA incorporates by reference discussions of the overall historic values of the site and their management. This documentation includes the results of a summer 1994 cultural resources survey of the former K-25 Site in the *K-25 Cultural Resources Survey* (JERT 1996). Management of these resources is covered by the provisions of the DOE-ORO *Cultural Resources Management Plan* (CRMP), Anderson and Roane Counties, Tennessee, which is currently under SHPO review. As discussed in Sect. 4.2.8 of the EA, Chapter 5 of the CRMP, "Procedures and Administration," provides guidance on DOE ORO fulfilling its responsibilities under the National Historic Preservation Act, Executive Order 11593, *Protection and Enhancement of the Cultural Environment* and 36 CFR Parts 60, 63, 65, 79, and 800. These procedures provide a step-by-step review of an undertaking up to and including preparation of a Memorandum of Agreement with the SHPO and review by the Advisory Council on Historic Preservation that would include

any required mitigation measures needed to address the adverse impacts of an undertaking. To ensure that the potential effects of the individual leases are thoroughly considered, consultation with the SHPO would be conducted on a lease-by-lease basis as necessary for those structures that are listed in or eligible for inclusion in the *National Register of Historic Places*.

3.19 Transportation and Traffic Impacts

3.19.1 Summary of Comments

Commentors requested that transportation impacts associated with development of an intermodal transportation operation at ETTP be evaluated in the EA. Commentors were concerned about impacts of increased truck traffic from activities at ETTP. Some commentors felt that additional roadway segments should be included in the traffic analysis.

Relevant Comment Numbers: L15, L16, L33, L34, L36, L42, L44, S28, D6, W14

3.19.2 Response/Revisions

A discussion has been added to Sect. 4.2.6 of the EA describing an intermodal transportation firm that has leased facilities at ETTP and currently handles commodities transported by truck and rail. This firm does not expect to operate as a major truck/rail intermodal facility in the area, and its operation at ETTP is unlikely to cause any significant impact on future traffic. The EA has been revised to include an estimate of the truck traffic that might be generated by the lease of land and facilities at ETTP. An estimated average of approximately 170 truck trips per day (ranging from 21 truck trips to 460 truck trips per day) would be generated from ETTP. Because most of this truck traffic would be spread over the day and would thus not be concentrated during peak hour commuter traffic periods, future truck trips are not expected to have a significant impact on future traffic. The roadway segments used in the Draft EA are considered adequate for addressing traffic impacts of ETTP for the following reasons, and thus no analysis of additional segments is included in the revised EA:

- (1) SR 95 from SR 58 to Wisconsin Avenue is a two-lane rural highway, while SR 95—referred to as the Oak Ridge Turnpike within the city of Oak Ridge from Wisconsin Avenue to Illinois Avenue—is a four-lane suburban arterial. The capacity for the two-lane rural highway is, in general, less than that for the four-lane suburban arterial. Thus, the SR 95 from SR 58 to Wisconsin Avenue can be considered as the “bottleneck” or “critical link” of the SR 95 route. Therefore, it is reasonable to focus effort primarily on analyzing ETTP traffic impacts only on the “critical link.”

- (2) The Oak Ridge Turnpike section of SR 95 carries a significantly larger amount of traffic than the section from SR 58 to Illinois Avenue. According to the Oak Ridge Traffic Map published by the Tennessee Department of Transportation, the annual average daily traffic (AADT) on SR 95 at SR 58 is approximately 11,920 vehicles, compared to 24,000 vehicles on SR 95 at Illinois Avenue. Most of the traffic on SR 95 within the city of Oak Ridge is local traffic and is not related to the ETTP. Since local traffic dominates the traffic conditions along this section of SR 95, no effort was made to isolate ETTP traffic from local traffic.

- (3) Oak Ridge Turnpike has a number of signalized intersections. Thus, significant traffic data collection efforts would be required to acquire sufficient information to carry out traffic impact analysis. Also, recent roadway improvement works on Illinois Avenue have greatly expanded the capacity of that roadway section, and there is no noticeable traffic problem associated with the traffic on the intersection of SR 95 and Illinois Avenue. Thus, it was considered unnecessary to spend additional effort and funding to analyze this section of roadway.

3.20 Noise

3.20.1 Summary of Comments

Commentors felt that the EA should address noise from demolition of buildings and associated construction activities, including heavy equipment operation. One commentor suggested that the historical marker and overlook across from ETTP be considered as a sensitive receptor.

Relevant Comment Numbers: L37, L40

3.20.2 Response/Revisions

Noise from demolition of buildings and associated construction activities would be similar under both the no-action and the proposed action alternatives. Noise levels near major thoroughfares serving ETTP have been estimated as 55 to 60 dB(A) at a distance of 60 m (200 feet) (Sect. 3.8 of the EA). Expected noise levels along SR 58 would be at the high end of this range, or about 60 dB(A) at a distance of 60 m from the roadway. The visitor overlook is about 30 m (100 feet) from SR 58. Because the road is a line source of noise, the noise levels decrease by about 3 dB(A) with each doubling of distance. The expected background noise levels at the visitor overlook 30 m from the roadway would be in the 60–65 dB(A) range. Maximum noise levels from construction/demolition activities are expected to be about 90–95 dB(A) at a distance of 15

m (50 feet) (Sect. 4.2.7.1 of the EA). Because the construction noise levels diminish at a rate of about 6 dB(A) for each doubling of distance, construction noise would be reduced by about 30 dB(A) to about 60–65 dB(A), which is comparable to noise from road traffic. Most of the construction activity is expected to occur at the overlook and would therefore be less than the noise from road traffic. If construction and road traffic noise are the same, their cumulative effect is about 3 dB higher than that of either source. If the sources differ by more than 5 dB, their cumulative effect is within 1 dB of the higher source (Fletcher and Munster 1975). Therefore, it is not expected that construction/demolition activity will significantly increase existing noise levels at the overlook. Although the ETTP overlook could be used for the use of this area by visitors is generally for very short periods, and it is not expected to be perceived as anything other than an expected element of an industrial park.

3.21 Public and Worker Health and Safety

3.21.1 Summary of Comments

Numerous commentors raised concerns about occupational exposures to those involved in cleanup activities, to radiation and hazardous chemicals, and to UF₆ cylinders to be a potential source of chronic radiation to tenants. Commentors also asked what regulations would apply to lessee workers working in contaminated areas and what responsibilities for such workers health and safety. In addition, commentors requested that industries should be made aware of known contaminants at the site and of potential exposures that have been raised by concerned members of the public.

Relevant Comment Numbers: Q25, L41, S54, S55, S56, S57, S61, D21, D22, D23, E3, E5, O8, O13

3.21.2 Response/Revisions

Additional text has been added to the EA to indicate that businesses operating at the overlook would be required by DOE to conform to the city of Oak Ridge Zoning Ordinance which permits specific industrial uses. In addition, individuals working for co-located workers currently defined as co-located workers in that they are co-located with Co-located workers that have access to the site receive applicable training and are protected through appropriate controls and oversight. Individuals working in leased space at the overlook are not members of the general public. Individuals working in leased space at the overlook are not safety and health protection found at any other industrial park. It is the

safe and protective manner. However, under certain scenarios, additional controls are maintained by DOE as a part of its ongoing operations at ETTP. In order to avoid a regulatory gap and to ensure worker protection, DOE will assist lessees in making sure they meet OSHA requirements. Also, see response to comment 3.11 above.

3.22 Accidents

3.22.1 Summary of Comments

Commentors stated that the EA must present definitive or final studies regarding risk analysis of accidents. Commentors felt the EA needs to describe administrative control procedures for UF₆ valve leaks. In addition, some commentors felt that the EA needs to discuss results and effects of nuclear criticality accident on workers and the public as well as industrial-type accidents to workers.

Relevant Comment Numbers: L38, L39, S57, S58, D3, D24

3.22.2 Response/Revisions

Accidents are discussed in Sect. 4.2.10 of the EA. Postulated accidents associated with the proposed EA are not anticipated to be atypical of those that could occur at any other industrial site. The results of the Final Safety Analysis Report for cylinder yards at ETTP that addresses accidents with impacts on human health and the environment is summarized in Sect. 3.11 of the revised EA.

3.23 Cumulative Impacts

3.23.1 Summary of Comments

Several commentors felt that the analysis of cumulative impacts was weak and that the analysis for all media should be expanded to include all known sources of emissions. Some commentors wanted more specific discussion of the cumulative impacts of developing both the ETTP site and ED-1. Commentors objected to the inclusion of a waste disposal facility at the White Wing scrapyard and wanted discussion of the cumulative impacts of sewage sludge. A question was raised about what restrictions would be placed on contaminated sediments from dredging for the barge facility in the former borrow pit.

Relevant Comment Numbers: S68, S69, S70, S71, S72, R6, R7, R14

3.23.2 Response/Revisions

Section 4.3 of the Final EA addresses cumulative impacts. The section has been modified to provide additional information on reasonably foreseeable developments in the impact region that could contribute to cumulative impacts. Such developments include, construction of the Knoxville Bypass that would connect I-75 with I-40, widening of SR 58, use of the ETTP barge facility, land application of sewage sludge on the ORR, potential development of a CERCLA waste disposal facility on the ORR, and development of other nearby industrial parks.

Development of other industrial or commercial sites in the region are unlikely to create significant cumulative impacts as most of the sites identified are at some distance from ETTP. The types of industries or other commercial development that would occur at these sites is unknown, and evaluation of cumulative impacts would be speculative. Development of the Clinch River Industrial Park along with ETTP and Parcel ED-1 could impact local traffic patterns and require upgrading of existing roadways. Development of Parcel ED-1 in the immediate vicinity of ETTP would require additional highway capacity improvements on SR 95 from the junction with SR 58 to Wisconsin Avenue. However, it is very unlikely that both projects would reach 100% of their anticipated employment potential by 2010. The proposal to widen SR 58 to four lanes from Gallaher Bridge to its intersection with Interstate 40 is likely to have a beneficial impact on traffic flow.

With the future development of Parcel ED-1 or other facilities near ETTP, releases from the proposed action could expose additional workers in the vicinity of ETTP. However, during the state or federal permitting process for new facilities, the cumulative impact of additional emissions would be considered. The combination of emissions from ETTP industries and emissions from nearby facilities (e.g., those from Parcel ED-1) would not be allowed to exceed permissible limits that are intended to protect human health and the environment. Standard industrial accidents would increase proportionally to the increase in industries or facilities in the area. Further development of surrounding land could cause an increase in the number of people that could be exposed to off-site releases from large accidents.

DOE is currently evaluating options for permanent disposal of ORR wastes under a CERCLA RI/FS. Alternatives that are being considered include no action, off-site disposal, and on-site disposal. A proposed plan is being developed and will be made available later in 1997. Thus, no analysis of cumulative impacts associated with this development was possible at the time the EA was prepared. The cumulative impacts of disposal of sewage sludge from ETTP as part of the ongoing program with the city of Oak Ridge were evaluated in an EA on that program. Use of the barge facility and disposal of any dredged material is discussed in the response for comment 3.8 above.

3.24 Editorial Comments

3.24.1 Summary of Comments

Several commentors noted editorial errors and pointed out areas where clarification was needed.

Relevant Comment Numbers: Q10, L1, L3, L4, L5, L6, L7, L11, L12, L13, L20, L21, L24, L25, L28, L32, L35, L45, L46, L49, S2, S11, S12, S13, S14, S15, S16, S17, S20, S21, S22, S23, S24, S25, S26, S29, S30, S31, S32, S36, S38, S44, S45, S46, S47, S49, S50, S51, S53, S54, S55, S56, S57, S59, S60, S66, S67, S73, S74, R5, D18, D19, W1, W3, W4, W5, W6, W7, W9, W12, W13, W15, W16

3.24.2 Response/Revisions

The Final EA has been thoroughly reviewed for editorial errors and corrections have been made as appropriate in response to specific editorial suggestions made by commentors.

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APPENDIX A

**COMMENTS ON DRAFT ENVIRONMENT ASSESSMENT,
LEASE OF LAND AND FACILITIES WITHIN THE
OAK RIDGE K-25 SITE, OAK RIDGE, TENNESSEE,
DOE/EA-1175**

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CITY OF OAK RIDGE



ENVIRONMENTAL QUALITY ADVISORY BOARD

POST OFFICE BOX 1 • OAK RIDGE, TENNESSEE 37831-0001

May 1, 1997

U.S. Department of Energy
DOE-ORO Vision 2010 Task Team
Attn: Mr. Larry Clark, NEPA Document Manager
P.O. Box 2001
Oak Ridge, Tennessee 37831

Subject: Oak Ridge Environmental Quality Advisory Board (EQAB) Comments on DOE/EA-1175: Draft Environmental Assessment, Lease of Land and Facilities within the Oak Ridge K-25 Site, Oak Ridge, Tennessee (February 20, 1997)

Dear Mr. Clark:

Members of EQAB have reviewed the subject document. Although EQAB strongly supports DOE's ongoing efforts to reindustrialize the K-25 complex and to bring new job opportunities to the area, a number of specific technical and policy comments on this EA document are attached. Our comments deal not only with the EA and the range of proposed actions, but also with DOE's policies and procedures pursuant to the National Environmental Policy Act (NEPA).

We note that, similar to the Draft Programmatic Environmental Assessment prepared last year by ORO on Mixed Waste Privatization, this EA does not analyze the potential environmental impacts of any specific actions actually being considered by the Department at this time. Rather, as with the Mixed Waste EA, it seeks to provide bounding analyses for a programmatic initiative that the Department already has underway.

Without reflecting on the technical quality or the potential usefulness of the information in this draft EA, the purpose of this document relative to actual NEPA compliance requirements is not clear. It is our impression that DOE has already made the decision to proceed with private-sector leasing of buildings and facilities at K-25. Furthermore, as the attached comments suggest, without significant additions to the document it is doubtful that this EA could reasonably support a Finding of No Significant Impact (FONSI) for the full range of hypothetical activities that are postulated. Even if a FONSI for a range of generic actions is published, it would still seem necessary for ORO to revisit each pending leasing decision to determine the appropriate NEPA requirements for the actual site operations that are contemplated.

Thank you for the opportunity to review and submit comments on this document.

Sincerely,
For the Board



Gerald L. Palau, Chairman
Oak Ridge Environmental Quality Advisory Board

Attachment

cc: Mayor and Members of City Council
Carol Borgstrom, Director, DOE's Office of NEPA Policy and Assistance (EH-42)
Earl Leming, TDEC

OREMSSAB
Amy Fitzgerald, Assistant City Manager, Oak Ridge
Susan Gawarecki, Executive Director, LOC

**EQAB Comments related to DOE Draft Environmental Assessment on
"Lease of Land and Facilities within the Oak Ridge K-25 Site, Oak Ridge, Tennessee"
(DOE/EA-1175)**

Non-Page-Specific Comments on the EA and Proposed Action

1. In this EA, DOE has not provided a clear and coherent definition of the purpose and need for federal action (as required in Council on Environmental Quality regulations). Indeed, the EA contains conflicting statements concerning the purpose and need:

- pg. xiii, lines 28-29 -- Cites purpose "of meeting the goals of the Hall Amendment"
- pg. 1-5, line 10 -- "in order to accelerate environmental restoration"
- pg. 1-5, line 25 -- "driven by need to comply with Federal Facilities Agreement"
- pg. 1-8, lines 32-34 -- States that sale (instead of lease) of land and facilities would not meet the purpose and need.

DOE should redefine the purpose and need (and thus the alternatives) in the EA to encompass all of the department's objectives and thus allow the EA to examine the real decisions DOE faces. The "need for agency action" seems to be to eliminate (or reduce) environmental risks associated with past uses of the K-25 site so that the site is suitable for other beneficial uses, to define future beneficial uses for the site, and to implement the future use plan. DOE's real alternatives (responsive to this "need") include:

- (1) A true "no action" alternative in which the site is maintained essentially as it has been for the last 12 years ("business as usual"). There would be no additional remedial action or D&D, but the TSCA incinerator would continue to operate, surveillance and maintenance would continue, etc. This alternative would be inconsistent with DOE's legal obligations, but because it is the most meaningful baseline for purposes of assessment, it should be addressed in the EA.
- (2) A greenfield cleanup alternative (with no residue or waste left on-site -- move everything "somewhere else"), leading to either a "park" or transfer of the land to new private or public sector development uses. (High costs make this unrealistic.)
- (3) A relatively aggressive cleanup alternative (similar to the "no action" alternative in the current draft EA) followed by implementation of a new site use (e.g., leave the site as an ecological reserve and buffer for the TSCA incinerator and areas where contamination has been consolidated, or transfer property to the private sector for development).
- (4) Limited (brownfield) cleanup, funded by DOE and/or private sector tenants, and reindustrialization of the site. This is essentially the proposed action in this EA. However, the proposed action should be redefined to provide comprehensive coverage of all pending DOE plans and decisions for the K-25 site, such as the "3-buildings project" (involving the K-29, K-31, and K-33 buildings), the barge facility lease, and other plans to lease or otherwise dispose of K-25 area lands not in the area covered by the draft EA.

2. There seems to be a fundamental conflict between (1) the community's and DOE's shared objective of finding high-quality industrial tenants for the K-25 Site and (2) DOE's objective of using leasing to accelerate and lower the cost of cleanup by inducing tenants to conduct cleanup at costs lower than DOE would otherwise incur. DOE should elaborate on how these two objectives can be reconciled.

3. A serious omission from this EA is the lack of estimates of the impacts of site cleanup. Site cleanup is a major element of any alternative. The fact that cleanup will be addressed in CERCLA documents and that detailed remediation plans are not yet available as a basis for assumptions does not excuse DOE from making reasonable assumptions as a basis for assessment.

Q3

4. Previous remediation planning for the K-25 facilities specified that these facilities would be decontaminated and decommissioned or demolished so that the site would be restored to greenfield status by 2010. This would have resulted in a site that would not require DOE environmental management funding beyond 2010. While the EA repeatedly states that leasing of K-25 facilities is "a way to accelerate environmental restoration" (page xiii, line 6), many facilities would remain contaminated with DOE waste beyond 2010 -- and would therefore require Congressional authorization for remediation funds at some future date. The EA should present and discuss DOE's assumptions regarding the extent of post-2010 remedial work and funding that would be required under the proposed action and alternatives. DOE, community stakeholders, and our Congressional representatives should have a clear understanding of the long-term contamination/cost liability associated with the different options available to DOE.

Q4

5. Current DOE decisions on dealing with government downsizing, economic redevelopment, etc., in the Oak Ridge area have potentially far-reaching implications for local communities. The NEPA process might be a good vehicle for a needed examination of the potential implications of various decisions that are now being made in isolation. Can the region support both a new industrial park on Parcel ED-1 and aggressive leasing of K-25 at the same time? Do counties need to develop industrial parks that will compete with ED-1 and/or K-25? How many new jobs are needed to offset the impacts of downsizing DOE activities in Oak Ridge? DOE and local communities should be working together to explore these questions in an open process.

Q5

6. The EA states (e.g., Section 2.1.2, page 2-1, line 44) that "Proposals for actions not evaluated within the bounds of this EA would require additional NEPA review." The EA does not, however, clearly indicate what its "bounds" are. Indeed, the nature and intensity of some of the potential industrial development discussed in the EA (e.g., including up to 10 "smokestacks", a nuclear fuel fabrication facility, and metals recycling operations) appears to us to exceed the bounds of what could be reasonably characterized as having "no significant impact" on the basis of this EA. In order to make sure that the commitment to future NEPA review is a meaningful one, the EA and any associated Finding of No Significant Impact (FONSI) should explicitly indicate limits on the future industrial developments that could occur without additional NEPA/environmental review. These limits or bounding conditions might be expressed in terms of indicators such as environmental releases (of gaseous or liquid effluents, radiation, noise, etc.), hazardous materials inventories, and waste volumes. Limits should be established for the entire site (e.g., total air emissions increments) as well as for individual leases.

Q6

7. The EA should assess whether and how K-25 site leasing activities would affect or be affected by implementation of the Proposed Plan for the Clinch River/Poplar Creek Operable Unit. For example, could barge terminal development and barge traffic affect the implementation of institutional controls for this operable unit?

Q7

8. Assessment of cultural resources impacts seems to be deferred to future CERCLA or lease-specific reviews. The EA should discuss the overall historical values of the site and how cultural resources would be managed or impacted under the broad alternatives considered in the EA. We assume that DOE has consulted with the state Historic Preservation Office regarding appropriate stewardship of K-25 cultural resources and has formulated an overall strategy for preserving cultural resources during cleanup and leasing. The EA should discuss DOE's cultural resources strategy and provide the information needed to determine whether there is a potential for significant adverse impacts to cultural resources.



9. DOE has not satisfactorily addressed the potential impact on local government tax revenue from the development of commercial industry on federal government property. While the EA notes (page xv, line 7, and page 4-20, line 29) that "building improvements *might* be subject to local property tax," there is currently no precedent for the local governments (i.e., the City of Oak Ridge and Roane County) to assess property taxes on industries at K-25 in a manner similar to what would be done if the same industries were located on privately owned land. There is a need for thoughtful evaluation of the impact to the city and county from having to provide local government services (e.g., fire, police, utilities, building inspection) to the industries and workers without the normal offsetting revenue from property taxes. Appropriate mitigation measures should be developed.



10. The document should acknowledge the site's new name: the East Tennessee Technology Park. To reduce confusion in the local area, however, we recommend that DOE continue using the "K-25" identifier along with this new name. A hybrid name, such as "K-25 East Tennessee Technology Park" should be considered in order to prevent confusion and to preserve a connection with the unique historical heritage of the "K-25" name.



Page-Specific Comments on the EA

Page 1-2, lines 25-26. States that the proposed action is "driven by the need for DOE to comply with" the Federal Facilities Agreement. If DOE's plans for achieving compliance depend on finding tenants who agree to conduct some cleanup as a condition of the lease, what happens if willing tenants are not found or if tenants fail to meet their commitments?

Q11

Page 1-8, line 12. Discussions regarding building decontamination by tenants should address and bound the following: (1) decontamination methods that would be used, (2) waste types and volumes that would be generated, and (3) disposition of the waste (i.e., commercial, onsite DOE, or offsite DOE). The EA should also discuss who would oversee cleanup activities by tenants (DOE? CROET? EPA? TDEC?).

Q12

Page 2-3, lines 2-4. States that "DOE would require commercial uses to heed the restrictions of the City of Oak Ridge Zoning Ordinance" for the Industrial-2 zone. This is an interesting commitment, since the K-25 site has not been so zoned by the City. (As a federal site, it has not been subject to local zoning jurisdiction.) Will DOE request that the City assume zoning authority for the site? If not, how does DOE expect to enforce the local zoning ordinance? Implementation of the zoning ordinance is normally accomplished through reviews and approvals by the City staff, Planning Commission, and Board of Zoning Appeals--will DOE require prospective tenants to consult with the City and undergo necessary reviews? DOE should be aware that the Planning Commission and EQAB are currently considering recommending some changes to the industrial zoning provisions of the City zoning ordinance.

Q13

Page 2-4, lines 22-23. States that tenants will be expected to obtain and comply with their own environmental licenses and permits. Will tenants also be expected to comply with local building, electrical, and plumbing codes and to obtain City permits for grading, construction, and utilities work? Historically, DOE facilities have not been subject to these requirements, and it is EQAB's understanding that work has been done under existing K-25 Site leases without applying these local requirements.

Q14

Page 2-5, table row 1. Why is no air permit required for the industrial laundry facility that provided emissions information?

Q15

Page 2-7, table row 7. The "computer components" manufacturer that provided information on emissions and effluents is not representative of the industry. Operations of the facility consulted were limited to assembly, which accounts for the reported absence of air emissions and water effluents. Other phases of the manufacture of computer components typically do have emissions, for example, from use of volatile organic compounds as solvents in the manufacture of computer chips.

Q16

Page 2-9, lines 10-12. States that DOE is "currently developing" a CERCLA document (incorporating NEPA values) for the 3-building project. Separate assessment of the 3-buildings project, which affects a large part of the K-25 Site, might constitute illegal segmentation under NEPA. That project should be considered as part of the proposed action in this EA.

Q17

Page 3-6, lines 19-24. Are there really no air quality monitoring stations closer to the site than those listed here?



Page 3-25, lines 29-32. Area employment information statistics for 1993 are reported. More recent data would provide a more meaningful basis for assessment, especially in view of recent workforce reductions at K-25 and other DOE facilities in Oak Ridge.



Page 3-36, lines 36-42. Please include a map of the stream reaches mentioned in this passage (or describe them by stream name and the key landmarks that define them (e.g., "xxx creek from yyy bridge to confluence with zzz").



Page 4-3, lines 20-21. States that the cleanup work force is already in place. This is contrary to what many groups believe will occur under proposed contractual arrangements for cleanup.



Page 4-3, lines 35-37. The EA should address impacts of cleanup under no action, based on realistic hypothetical assumptions.



Page 4-7, lines 2-4. It is stated that PM-10 air monitoring data from the ORR were not used as a basis for assessments because the air monitoring stations are not part of the EPA monitoring network. It is not obvious that this is a valid reason for excluding the ORR data. Perhaps the ORR data are not accepted for all regulatory uses, but monitoring data from on or near the site should be more useful than data from Knoxville in evaluating the impacts of the proposed action. NEPA documents are not constrained to use only data that has been validated or certified by EPA or any other particular organization.



Page 4-15, lines 17-23. Might reindustrialization interfere in any way with effective remediation?



Page 4-26. Many of the potential industrial tenants of the site would NOT be subject to radiation worker requirements and other requirements discussed here. Occupational impacts from these workers' presence on the site, especially during decontamination and decommissioning activities, should be explored more thoroughly.



Page 4-29, line 10. It is stated that the barge facility lease has not yet completed NEPA review, but "will" be categorically excluded. The barge facility lease is closely connected with the other actions covered in this EA and should be included in the EA scope; separate NEPA review of this action sounds like illegal segmentation of a proposed action.



Comments on DOE NEPA Categorical Exclusions and their Application

1. This EA has called our attention to the way DOE conducts NEPA review of proposed leases and other transfers of property. As EQAB understands it, several K-25 facilities have been leased under a NEPA categorical exclusion category that allows such transfers if the facility uses and associated environmental impacts would be essentially unchanged from prior uses. The following categorical exclusion category appears to be the one that was used:

Q27

B1.24 Transfer, lease, disposition or acquisition of interests in uncontaminated permanent or temporary structures, equipment therein, and only land that is necessary for use of the transferred structures and equipment, for residential, commercial, or industrial uses (including, but not limited to, office space, warehouses, equipment storage facilities) where, under reasonably foreseeable uses, there would not be any lessening in quality, or increases in volumes, concentrations, or discharge rates, of wastes, air emissions, or water effluents, and environmental impacts would generally be similar to those before the transfer, lease, disposition, or acquisition of interests. Uncontaminated means that there would be no potential for release of substances at a level, or in a form, that would pose a threat to public health or the environment.

As we understand it, decisions on the application of this categorical exclusion have been based on a comparison of proposed uses with former site uses, and did not include a careful evaluation of potential air emissions, water effluents, and other environmental impacts. It would give the community greater confidence in the integrity of DOE's NEPA review process if the NEPA regulation called for written documentation of a careful DOE review of these factors before the categorical exclusion was applied. This would be similar to the Tennessee Valley Authority's internal requirement for a project-specific environmental review before an action can be categorically excluded.

2. It appears that the above categorical exclusion category is supposed to mean that emissions and impacts should be no greater than those occurring at the time of the transfer, but this is not stated explicitly. In the case of K-25, is this being interpreted to mean emissions at any time before the transfer (e.g., 12 years ago or 40 years ago)? This categorical exclusion category should be rewritten to specify use of a recent baseline, and the current wording should be interpreted to require comparison against conditions only in the recent past.

Q28

3. Although the nature of the work activities involved in leases that were categorically excluded may be the same as in former uses of the building, analysis of the impacts of those activities should consider that the former activities were intensively regulated and inspected in accordance with DOE Orders and work procedures, but that lease activities appear to be subject neither to DOE requirements nor to local building regulations and similar private-sector health and safety regulations. The potential implications of this reduction in oversight should be addressed in any NEPA review of a proposed facility transfer.

Q29

4. Since DOE has already categorically excluded several leases under NEPA, we infer that the EA was intended in part to provide NEPA coverage for future leases that are not encompassed by this category, presumably leases of contaminated facilities. Rather than

Q30

attempting to use this EA to support a blanket FONSI covering essentially all possible future leases of K-25 facilities, we recommend that DOE perform and document an environmental mini-review of every proposed lease. This review should address the environmental impact factors enumerated in the categorical exclusion category, any potential interactions of the proposed leasing activity with contamination present in the facility or onsite, and the environmental impacts of any cleanup activities under the proposed lease.

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LOC
Oak Ridge Reservation
Local Oversight Committee

May 16, 1997

Ms. Patricia W. Phillips
 ORO NEPA Compliance Officer
 Department of Energy
 Oak Ridge Operations Office
 P.O. Box 2001
 Oak Ridge, TN 37831

Dear Ms. Phillips:

The Citizens' Advisory Panel (CAP) of the Oak Ridge Reservation (ORR) Local Oversight Committee (LOC) appreciates the opportunity to comment on the *Draft Environmental Assessment Lease of Land and Facilities Within the Oak Ridge K-25 Site, Oak Ridge, Tennessee* (DOE/EA-1175) dated February 20, 1997, and the Proposed Action. The LOC Board has not had the opportunity to review and approve the comments and thus these comments should be considered submitted by the CAP only.

The LOC is a non-profit regional organization funded by the State of Tennessee and established to provide local government and citizen input into the environmental management and operation of the DOE ORR. The Board of Directors of the LOC is composed of the County Executives of Anderson, Knox, Loudon, Meigs, Rhea, and Roane Counties; the Mayor of the City of Oak Ridge; and the Chairs of the Roane County Environmental Review Board (RCERB), the City of Oak Ridge Environmental Quality Review Board (EQAB), and the LOC Citizens Advisory Panel (CAP). The CAP currently has 17 members with diverse backgrounds representing the region impacted by the ORR.

Management of lands owned by the DOE is a great concern to the region's governments and citizens, especially with respect to the economic and environmental impacts. Members of the CAP and I have reviewed the document and submit the enclosed comments. In general, we support the Proposed Action, but feel that the document as it stands is inadequate. The comments point out several areas that need revision, correction, strengthening, and added information.

Anderson • Meigs • Rhea • Roane • City of Oak Ridge • Knox • Loudon

P. W. Phillips
May 16, 1997
Page 2

If you have any questions regarding these comments, please call me at 483-1333.

Sincerely,



Susan L. Gawarecki, Ph.D.
Executive Director

Enclosures

cc: LOC CAP
LOC Board of Directors
Earl Leming, TDEC DOE-O
Amy Fitzgerald, City of Oak Ridge



AK RIDGE RESERVATION

Environmental Management

February 25, 1997

Mr. Rod Nelson
Assistant Manager for Environmental Management
DOE/ORO
P.O. Box 2001
Oak Ridge, TN 37831

Dear Mr. Nelson:

The following motion was approved at our February 5, 1997 regular monthly Board meeting to forward to DOE:

The ORREMSSAB recommends that DOE eliminate the White Wing Scrap Yard (WWSY) from consideration as a location for the Environmental Management Waste Management Facility. Of all of the candidate sites, the WWSY is the least desirable alternative. Use of the WWSY Site would contaminate an unimpacted site. It would cause ecological fragmentation of the Oak Ridge Reservation. It would require expensive site characterization. It is subject to public access because of its intersection of state roads 58 and 95.

We look forward to receiving your written response to the above recommendation. Thank you for your continued support of the ORREMSSAB.

Sincerely,

Randy Gordon, Chair

RG sb

cc ORREMSSAB Members

**COMMENTS BY THE OAK RIDGE RESERVATION LOCAL OVERSIGHT
COMMITTEE'S CITIZENS' ADVISORY PANEL
ON THE
DRAFT ENVIRONMENTAL ASSESSMENT
LEASE OF LAND AND FACILITIES WITHIN THE OAK RIDGE K-25 SITE,
OAK RIDGE, TENNESSEE**

May 16, 1997

General Comments

The Citizens' Advisory Panel of the Oak Ridge Reservation Local Oversight Committee supports the Proposed Action (PA). The environmental assessment (EA), however, has several deficiencies which need to be addressed in order for the document to be considered adequate.

DOE should revise the EA and re-title it to reflect the current name of the site-- East Tennessee Technology Park. Note that this includes the ED-1 site; therefore it should be removed from Section 4.3 (cumulative impacts) and included as part of the PA.

L1

This EA should result in a mitigated finding of no significant impact (FONSI) for the K-25 Site. In light of the previous comment, since the EA for ED-1 also resulted in a mitigated FONSI, a combined mitigation plan should be included in this EA (perhaps as an appendix). The assumptions given on pages 2-3 and 2-4 should be included in the mitigation plan for this proposed action (PA).

L2

Data regarding emissions or effluents that are given in tables should also be presented in graphs that include a bar for background and a bar for regulatory limits. In the case of air emissions, comparable figures for the two local coal-fired steam plants (Kingston and Bull Run) should also be included.

L3

The EA cites many documents that have been superseded by later versions. The text should be updated to reflect any new information presented in the most recent version.

L4

Summary

The summary should be changed to reflect changes made in the main body of the EA in response to comments.

L5

Page xiii, line no. 7 - Insert "health and" after "human."

Page xiii, line no. 19 - Insert "and public" after "lessee."

Page xiii, line no. 29 - Explain what is meant by the "Hall Amendment" and include an explanation in the body of the EA.

L6

L7

Section 1.2

Page 1-5, line nos. 10-14, 20-24 - How will the CERCLA process be followed in arriving at a ROD for remediation of these sites and facilities?

L8

Section 1.3

Page 1-6, line no. 32 - Explain that the FONSI was a Mitigated FONSI.

Page 1-6, final paragraph - Give the criteria from 10 CFR 1021.410 that allow categorical exclusions. This could be included as an appendix to the document. The recent leases and subleases should be listed, including sublessees name, and information given regarding why each was granted a CX (perhaps by creating a new table). Also include CX in the Acronyms (p. ix) and explain what an "individual CX" is.

L9
L10

Fig. 1-4 is inaccurate, incomplete, and confusing. The legend should include the dotted lines defined as ridge trends. The title implies the areas identified in the legend were transferred to the City of Oak Ridge, when in fact not all have, for example, ED-1 has been leased to CROET.

L11

Page 2-1, line no. 21 - Delete quote marks at end of sentence.

L12

Table 2-1 - Define "recycle" as used in "Recycle and Demolish" option.

L13

Table 2-2 - Information was obviously extracted from other sources; note use of "James River" in item 4 effluents. Use local data.

L14

Section 2.1.3

Page 2-4, line nos. 19-21 - This list of potential uses by tenants only partially includes activities that might be undertaken by the eight surrogate industries considered in Table 2-2. Make the list comprehensive. The potential for heavy tractor-trailer traffic should also be mentioned.

L15

Page 2-4, line nos. 27-31 and Table 2-2 - A surrogate industry which should be considered is an intermodal transportation operation. The presence of a truck terminal would produce a magnitude of road use impact not seen with the other surrogate industries. Rail and barge operations should also be considered for their environmental impacts. It should be noted that one of the sublessees, Southern Freight Logistics, is such an intermodal transportation operation.

L16

Section 2.2

Page 2-8, line nos. 27-33 - The statement that "DOE may not be able to restore the K-25 Site . . . under the FFA" contradicts the statement in paragraph 1 "ongoing and planned environmental restoration; . . . would continue . . . until agreements in the FFA are met."

L17

Page 2-8, line nos. 33-39 - If training programs are not to be discussed because they have no impact on the environment (although they potentially impact future employment of laid-off workers), why are jobs discussed at all? It seems that training programs would tie into the discussion of socioeconomics in Section 3.6.

L18

Section 2.2.1

Page 2-9, line nos. 16-22 - Construction of an on-site CERCLA waste management facility has not yet undergone a public comment process and will apparently compete

L19

with the option of shipping CERCLA wastes offsite. Consider the offsite disposal option here also. Siting of this type of facility should be examined under NEPA, not CERCLA, and it should be RCRA-permitted if it is not sited at the immediate location of the contaminated site(s).

Page 2-9, line no. 27 - The 1996 version of the Ten Year Plan is completely different from the version that was submitted to DOE-HQ in February 1997 after extensive review by stakeholders, thus the 1996 version should not be referenced.

L20

Page 2-9, line no. 34 - The 1996 Baseline Environmental Management Report should be referenced instead of the 1995 version.

L21

Section 3.2.1

Page 3-1, line nos. 28-29 - The statement about tornadoes is incorrect; while the storms that spawn them may not be formed here frequently, tornadoes certainly occur quite often. In fact, one touched down at the entrance to Y-12 a few years ago, causing major damage to businesses and utilities in Union Valley.

L22

Page 3-4, line nos. 1-2 - As noted above, wind problems are trivialized unrealistically.

L23

Section 3.2.2.2

Page 3-8, line no. 1 - Correct table number to "3.2-2."

L24

Section 3.2.2.3

Page 3-9, Table 3.2-3 - Include 1995 and 1996 data.

L25

Section 3.3

Page 3-10, line nos. 1-4 - Although the flow system may not be "dominated" by conduits, they undoubtedly exist, as acknowledged in the last sentence of this paragraph.

L26

Page 3-10, line no. 11 - Dye tracing has shown that conduit flow is also a significant contaminant migration pathway. This should be mentioned.

L27

Figure 3.4-1 - Show the normal pool for Poplar Creek also.

L28

Section 3.6

Page 3-21, line nos. 20-22 - Meigs and Rhea counties have been heavily impacted by activities on the Oak Ridge Reservation, especially by pollution of Watts Bar Reservoir and the resulting fish advisory postings. This has had a severe economic impact from the loss of tourism revenue.

L29

Section 3.6.1.1

Page 3-21, line no. 46 - Data earlier than 1992 for projected annual population growth rates for the City of Oak Ridge should be considered completely inaccurate, as this time period preceded the large budget cuts and personnel cutbacks. The city may have more up to date information regarding projected population growth rates.

L30

Section 3.6.4

Electrical utilities should also be described.

L31

Section 3.7

Throughout this section, Gallaher Bridge and Gallaher Road seem to be used interchangeably--choose one and be consistent in its use.

**Section 3.7.1**

Page 3-28, line nos. 18-22 - The roadway segments listed are inadequate. SR 95 should be considered from I40 to Illinois Avenue, and SR 58 should be considered from the junction with SR 95 to I40. This information should be added to all relevant tables and maps throughout the document.

**Section 3.7.2**

In general, Oak Ridgers are concerned about the potential for truck traffic to use SR61-SR95-SR58 as a shortcut between I75 and I40 through Clinton and Oak Ridge. This could be exacerbated by industries that are heavily transportation-dependent locating at K-25 or ETTP.



Fig. 3.7-1 - Gallaher Road and Poplar Creek Road should be labeled on the map.

**Section 3.7.3**

Page 3-31, line no. 26 - Commuting patterns and traffic levels in 1993 may be quite different from those today. Look for more recent data that reflect existing employment levels.

**Section 3.8**

Page 3-33, line nos. 11-12 - There is a historical marker and overlook across from the K-25 main entrance that attracts picnickers and visitors. This site may be considered a sensitive receptor based on the types of sites listed.

**Section 3.11**

No definitive or final studies regarding risk analysis of accidents are cited. As long as this facility has been extant, there should be some such studies available.



Page 3-39, line nos. 13-14 - State what these administrative control procedures are.

Page 3-39, line nos. 32-40 - State what the results and effects of a nuclear criticality accident would be on both the public and workers.

**Section 4.1.7**

Page 4-3, line no. 44 - Demolition of buildings and associated construction activity, including heavy equipment operation, could create a significant amount of noise in excess of current traffic noise.

**Section 4.1.9**

Page 4-4, line nos. 28-30 - Cleanup activities have yet to address the most difficult and dangerous projects, so the statement that they are "expected to be a continuation of current activities" is incorrect.



8. Visual and Physical Inspections: a variety of hazardous substances were used in the lab (see EBS Table A). How was the material handled and disposed?
9. Page 11, are the sumps located in the area to be leased?
10. Page 11, has the nearby groundwater plume migrated to K-1220; or likely to migrate to K-1220? If so, restrictions against groundwater use and digging into groundwater are appropriate. The FOSL should describe the use restrictions to be contained in the lease.
11. Section 6, sampling conducted in the area proposed for lease, building K-1220, and the immediate area of the building is relevant and should be described. This section should not be limited to sampling "conducted in conjunction with the lease," but should indicate the results of any prior sampling (or, if none, so state).
12. Figure C-1, total gamma emissions: is K-1220 within or outside the 3.861 counts per second line? Please describe the gamma emissions level in K-1220 overall, and in the specific area to be leased. Please relate the gamma emissions levels to a human health risk level.

"Supplemental Environmental Baseline Survey"

13. Radiological Baseline: The text states, "the area to be leased is not considered a radiological contamination area." However, radiological materials have been stored in K-1220, as noted in appendix A. Additional explanation or justification is needed to support the conclusion that the area to be leased is not a radiological contamination area.
14. Appendix A, storage records are need for the entire life of building. A 1991 inventory is provided, but length of storage time is also required.

Comments on leasing proposal for Building K-1036

General: it does not appear that the building itself is contaminated. However, it appears that the area to be leased is surrounded, and possibly underlain, with contaminated environmental media. The FOSL must address the specific environmental condition of the area to be leased and the relevant adjacent area. The FOSL must also either evaluate the risk to human health posed by the proposed reuse scenario, or, ensure adequate restrictions and controls to limit exposure, and thereby limit potential risk to human health.

FOSL for K-25 Building K-1036

1. The FOSL states that the "use restrictions specified in the lease are deemed sufficient to protect human health and the environment during the lease period..." What are the use restrictions? The FOSL does not describe the referenced restrictions, nor was a specific lease included with the FOSL.
2. The FOSL states that no hazardous substances or petroleum products were stored on the property for one year, or more, known to have been released, treated, or disposed of. Does this statement apply only to the building itself, or to the property including environmental media (i.e. soils, groundwater)? Please clarify.
3. Are there restrictions in place to prevent ground disturbing activities? Has DoE retained responsibility for building maintenance and utilities? Does the lessee have access to soils and subsurface soils for the purposes of infrastructure improvement, maintaining utility lines, etc.? These issues should be specifically addressed in the leasing documents.
4. Examination of the proposed lease is necessary for EPA to concur that "the terms and conditions of the lease agreement" are consistent with safety and protection of human health and the environment.

CERCLA 120(h)4 Report

5. Have contaminants from K-1035 or other nearby facilities or "FFA sites" migrated to the K-1036 property? Please describe the environmental condition of the K-1036 property and adjacent area, using previous RI or other investigation data. Is there reasonable likelihood of exposure to hazardous substances through the use of the proposed lease area? If so, what use restrictions or other controls are in place to protect human health and environment and ensure safety?
6. A CERCLA 120(h)4 "clean parcel determination" cannot be made without EPA's concurrence; a parcel cannot be unilaterally declared a "CERCLA 120(h)4 clean parcel."
7. Page 4, provide a brief summary of ownership and use history.

Supplemental Environmental Baseline Survey

8. **Table 11, Radiological Summary: No activity was found above L_c . What is L_c ? Is this a natural background level? Is this a low level that poses an acceptable risk? Please explain the findings of the radiological survey. Please relate the findings to risk.**
9. **Table 11, Radiological Summary: What is RMSA? There is a RMSA within the vault; what does this mean? Is a lease restriction against using or disturbing the vault necessary?**

General: One of the primary purposes of the FOSL/leasing documents is to disclose to the lessee and the public, the environmental condition of the property and document the basis for finding that the proposed use is consistent with safety and the protection of public health and the environment. The FOSL/leasing documents should be stand alone documents, understandable to the intended audience.

Minority opinion and response to Draft EA for the K-25 Site DOE/EA 1175

Sandra Reid, SSAB Member

Overall Comments

- The demand for speedy review of this document only served to perpetuate distrust amongst the affected population. It ignores the intent of NEPA and DOE's stated purpose to "foster early and open communication between DOE and the affected states and stakeholders." MI
- This EA does not evaluate specific industries and their effects on the site workers and the environment. MI
- The EA provides CX without explanation as to why the CX was granted to industries that are already in place and where buildings are already leased without characterization and without future remediation plans identified. When will an EIS be conducted on industries already on site? MI
- It provides CX for the proposed work by BNFL. It is obvious that this work has a high potential for environmental and worker health and safety concerns. BNFL's credibility in Great Britain is already lacking regarding health and safety. Why was BNFL given a CX? A full explanation is needed. MI
- There is no identification of who will be responsible for and have regulatory oversight over the ES&H of these individual industries and their operations. MI
- The document does not ensure protection provided under NEPA as the proposed industries do not exist. Potential industries should be made aware of the known contaminants at the Site and the health concerns from worker exposures that have been inadequately evaluated by NIOSH. There should be a provision in every contract with potential lessees that the contract is contingent upon their undergoing and being approved by a NEPA and CERCLA evaluation. All potential workers should be informed of potential site hazards. MI
- There appears to be a rush to force decisions that will have long reaching effects and these issues need to be carefully evaluated by all stakeholders with full disclosure. Ample opportunity must be made available for discussion and review of documents evaluating accuracy of stated claims. Forcing decisions by using the Federal Facilities Agreement and the 10-year plan as a driver will only perpetuate further harm and bad decision making. This is a cycle that I thought we were trying to overcome. Using NEPA in order to obtain a "FONSI" is a manipulation of a regulation meant to protect the public. EPA does not establish an adequate basis for making a determination whether MI

the environmental conditions of the property are such that leasing the property, and the terms and conditions of the lease agreement, are consistent with safety and the protection of public health and the environment.

- Public confidence would be enhanced if meetings between EPA regulators and DOE were held with public participation, rather than behind closed doors. This is particularly important as decisions are being made that directly effect our community by people who (1) have absolutely no ties to our community, (2) are not accountable to our community and (3) do not communicate the proposed decisions in a timely and open fashion. m6
- Statements regarding future proposed plans do not identify where the funding will come from for projects such as upgrading the water treatment at K-25 and building the new barge facility on the Clinch River where DOE has stated that these sediments should not be disturbed. m9

Support from EPA

- The enclosed letter from Camilla Bond Warren (USEPA) to Margaret Wilson (DOE-ORO) dated 2/10/97, subject: K-25 Site, Building K-1036: "CERCLA 120 h Report" (9/23/96), Supplemental Environmental Baseline Survey (9/23/96), Finding of Suitability to Lease (1/17/97) and K-25 Site, K-1220 Office and Laser Lab Area: "CERCLA 120 h Report" 12/19/96, Supplemental Environmental Baseline Survey (12/19/96), Finding of Suitability to Lease (12/23/96) indicates that DOE has not established "an adequate basis for making a determination whether the environmental conditions of the property are such that leasing the property, and the terms and conditions of the lease agreement, are consistent with safety and the protection of public health and the environment. Accordingly, EPA Region 4 cannot at this time recommend that the Administrator of EPA concur with DOE's protectiveness determination under the 'Hall Amendment.'" m10

The EA Process

- It appears DOE is seeking approval for an initiative where decisions have already been made without public participation and without effectively identifying the present hazards and characterizations of the buildings, the Site, and the surrounding environment. m11
- Nowhere does DOE identify it's own responsibilities or future plans for remediating these buildings, the Site, or the environment. There is no apparent future intent to provide remediation by any party. m12
- For full public participation, appendices and identifying documents must be made available for public perusal. m13

- It appears there will be multiple NEPA reviews required or DOE will generously use CXS. All CXS must be documented.

M14

TSCA Incinerator

- TSCAI is being proposed as a "national resource and treasure." More than 61 sites are identifying TSCAI as a means of dealing with their legacy wastes. It is critical that a new EA be conducted on the waste presently being burned in the incinerator and also for future proposed substances as waste streams have changed dramatically since the original trial burn. It is critical that the emissions be revisited to determine what the "real" emissions are. The present sampling data does not provide satisfactory information to ensure public health and safety. It has been made clear by DOE that current technology is not available to identify or measure real time emissions of any substances. However, recently, DOE committed to testing new monitors on the facility. Heavy metals, products of incomplete combustion, creation of new "potentially more hazardous" substances, multiple radionuclides, (alpha, beta and gamma emitters) must be analyzed together, not as single source substances. Regulations for TSCAI are narrow and do not identify or accurately measure the types of substances being incinerated. Gross alpha and gross beta analysis is inadequate to determine accurate radiological releases.

M15

Quality of Data

- The information and documentation provided within this EA is often inaccurate and inadequately supported in order to obtain a fully informed, supportive decision.
- Claims of "no harm" from past actions because of "lower than the national average radiation levels" to justify new "similar industries" is unproven and unsubstantiated.
- The quality of information provided in this document does not represent an accurate analysis of the impacts of present, past or future industrial impacts on our community.
- There is no James River in East Tennessee. It is in Virginia. This raises the question as to whether waste is being transported to or from Virginia.
- There is no connection between the City of Oak Ridge sewage system and the Site, nor is one even proposed at this time. Relevance to this EA is indeterminate. Where will the funds come from to develop this project?
- The tax situation is poorly summarized. The Tennessee Sales and Use Tax is currently paid by the DOE plants and would be paid by any new tenants, just as it is by tenants elsewhere under the current law.

M16

M17

M18

M19

M20

M21

- The maps and the wind rose patterns do not identify where the point of analysis is and is not substantiated in the written document. The maps themselves are flawed and do not accurately represent the boundaries between K-25 and the City of Oak Ridge. The air emissions of K-25 are closer to Oak Ridge and residential communities than implied. m22
- True north, south, east, west directions must be described, not "up and down valley." These are highly inaccurate terms.
- The dredging of the Clinch River contradicts every previous document and EA, Safety Analysis, and Health Hazard Evaluation which stated that the contaminants of concern were buried in the sediments and could not be disturbed for fear of creating exposure to down stream communities. There are absolutely no supporting documents for this claim of safety. The indication is that this sediment will be used as topsoil. It appears history will be repeated when sediment from East Fork Poplar Creek was placed on the school playing fields and on the Civic Center later having to be dug up and capped at enormous expense. Prior documents have identified the harm from growing vegetables and allowing animals to graze on grass grown from this type of sediment. How has this all been validated? The TCLP testing identified is inadequate for assessing this kind of agricultural impact. (TCLP is used as an assessment of pollution drainage for a landfill.) m23
- No impact was included on the waterborne contamination releases to downstream communities.
- To imply that the additional airborne burden on the Greater Smokey Mountains will be manageable and within compliance is not substantiated and indeed must be carefully evaluated given the present increasing damage to the Greater Smokey Mountains. m24

Community Impacts

- What is the Site worker population? Where do they live. The analysis is based solely on the effects on Oak Ridge. As this site is based in Roane County, it is more likely to effect Roane County (an already economically depressed community). In addition, it will impact Knox and Loudon Counties. The burden on water management, fire, safety and emergency response will likely fall upon Roane County where the present response teams are based on volunteers. Where will the additional funds come from to help support this development? These people must be trained to respond to hazardous materials accidents that could result at the Site. m25
- This document needs to be evaluated considering the affected stakeholders and responsible officials of Roane, Knox and Anderson Counties not just Oak Ridge City. The economic impacts must consider these additional counties. m26
- How will protection be assured for the new lessee and it's workers when they may not be experienced in providing protection for radiation and multiple chemical exposure? m27

ROANE COUNTY GOVERNMENT

Fax Cover Sheet

DATE: 5/15/97

TIME: 11AM

TO: LARRY CLARK

PHONE:

FAX: 423-241-3314

FROM: JOYCE NALL

PHONE: 423/376/5578

FAX: 423/376/4318

RE: ROANE COUNTY ENVIRONMENTAL REVIEW BOARD'S COMMENTS ON DRAFT EA
FOR K-25 REINDUSTRIALIZATION

Number of pages including cover sheet 6

Message

Larry:

Enclosed please find comments on above referenced EA from Roane County's ERB Board.
If you have any questions, please call at the number above.

Sincerely,



Joyce Nall

Administrative Assistant

Executive Offices
376-5578
(423) 376-4318

Accounting Department
376-5553

Office of the County Executive
Roane County Courthouse
Kingston, Tennessee 37763

May 9, 1997

Larry Clark
NEPA Document Manager
DOE-ORO Vision 2010 Task Team
P.O. Box 2001
Oak Ridge, Tennessee 37831

Dear Mr. Clark:

Comments of the RCERB on Draft EA for K-25 Reindustrialization

In response to my request, the Roane County Environmental Review Board (RCERB) has reviewed the draft Environmental Assessment (EA) for reindustrialization of the K-25 site. Their comments are attached to this transmittal letter.

The review comments identify a concern that the proposed action of leasing has already begun before the EA was finalized, and that as a result the current EA should be withdrawn and the NEPA process repeated. A revised EA should be prepared that analyzes the impacts of real decisions at the site and evaluates reasonable alternatives. The proposed action should be reformulated and reanalyzed. The revised EA should also conduct a true bounding analysis of potential impacts, including cumulative impacts, by looking at an industrial mix that represents minimal impacts and a mix that represents maximum adverse environmental impacts. Additional general and specific comments are noted in the attachment.

R1

We appreciate the opportunity to comment on the EA for this important activity taking place in Roane County, and we look forward to working with the Department in future actions related to the simultaneous creation of jobs and the maintenance and improvement of environmental quality.

Sincerely


Ken Yager
County Executive

Attachment

cc: RCERB
County Commission



**COMMENTS OF THE ROANE COUNTY
ENVIRONMENTAL REVIEW BOARD (RCERB)**

on the

DRAFT ENVIRONMENTAL ASSESSMENT

**LEASE OF LAND AND FACILITIES WITHIN THE OAK RIDGE K-25
SITE, OAK RIDGE, TENNESSEE (DOE/EA-1175)**

The RCERB supports the concept of reusing former industrial sites for new industrial development. This practice represents an environmentally preferable alternative to the development of greenfield sites for industrial use. In general, the re-use of abandoned industrial sites for new industrial development offers environmental benefits due to the avoidance of impacts from greenfield development as well as from the avoidance of impacts from construction of associated infrastructure. Consequently, the RCERB supports the re-use of the former K-25 site as an alternative to construction of new industrial facilities on greenfield sites.

The following comments address the adequacy of the draft environmental assessment (EA) in the context of the National Environmental Policy Act (NEPA) as applied to the action of leasing the land and facilities at the former K-25 site. General and specific comments are presented.

General Comments

1. It is not clear why this EA was prepared and submitted for public comment. Since leases have already begun at the K-25 site, it is clear that the decision to lease has already been made. Since NEPA is concerned with the evaluation of potential effects from actions before they are taken, it is difficult to identify the decision that this EA is addressing.

R2

2. The NEPA strategy formulated for this action is questionable. Leases have already been negotiated for specific actions under individual categorical exclusions. This practice amounts to an incremental de facto implementation of the "proposed" action before a decision is reached based on the analyses in the EA. Awarding the specific leases based on categorical exclusions thus limits the choice of reasonable alternatives available to the decision maker at the completion of the EA, thus conflicting with NEPA regulations issued by the President's Council on Environmental Quality (CEQ).

R3

3. It is not clear that the impact assessments used in the EA actually "bound" impacts by providing a range of potential impacts for the decision maker. Instead, the EA appears to present a middle of the road, development scenario for analysis. The decision maker and the public do not have an appreciation for potential impacts from "worst case" to "best case." For example, worst-case might include heavy industry with less than state-of-the-art equipment and facilities, and best case might include "knowledge" industries such as software development, or manufacturing facilities linked in an eco-industrial park framework in order to reduce overall impacts.

R4

4. The document should be retitled to reflect the correct name of the K-25 site: the East Tennessee Technology Park. The fact that this name change has already occurred is yet further evidence that the proposed action has already taken place without considering the analyses of potential impacts.

R5

Specific Comments

1. The section on Cumulative Impacts (4.3) is extremely weak. It discusses, in qualitative, general terms, potential cumulative impacts, but does not analyze these impacts as required by DOE and CEQ NEPA regulations. The impact analysis conducted in the air quality section (Section 4.2.2.2) is a step in the right direction, but should be expanded to include other known sources of air emissions (see next comment). This type of analysis should be done for all media as appropriate, and the analysis and results should be presented in section 4.3.

R6

2. The cumulative air quality impact analyses should be revised to include other sources of air emissions within the region of influence of lease activities at K-25. These include air emissions from the proposed freeway bypass (construction and operation), as well as air emissions from other potential and proposed industrial activities in the vicinity, including the proposed Roane County Industrial Park (at the Macedonia Site in eastern Roane County, off of Buttermilk Road), the Clinch River Industrial Park, SEG, DSSI, and other facilities in the vicinity. Construction and operation of facilities should be addressed as appropriate.

R7

3. The analysis of air quality impacts is based upon national ambient air quality standards as impact thresholds. Since NEPA documents should analyze reasonably foreseeable impacts, this EA should also assess potential impacts with respect to new ambient air quality standards proposed by the EPA for ozone and particulates. The fact that the standards have been formally proposed would make the impacts reasonably foreseeable.

R8

4. Since at least two proposed leases that have been publicly discussed involve fluorine processing (asbestos treatment and uranium hexafluoride treatment), the EA should assess potential impacts with respect to the state of Tennessee ambient fluoride standards. At present, the air quality impact assessment does not address fluorides.

R9

5. The EA addresses and dismisses potential adverse impacts from dredging the Clinch River for the K-25 dock based solely on unreferenced samples taken from the riverbed in 1996 (page 4-29). At a minimum a map showing sampling locations should be given in the EA. The complete sampling study should be referenced and should be publicly available. Furthermore, any conclusions drawn from the sampling should be based on a risk assessment of the results, and not only on the measured levels. Lastly, the EA is remiss in not analyzing potential impacts and risks from sediment disturbance due to propeller action from tugboats on the Clinch. The Proposed Plan for the Clinch River/Poplar Creek Operable Unit, Oak Ridge, Tennessee describes the formation of the "permitting working group" for review of sediment disturbing operations in the Clinch River below Melton Hill Dam and in the rest of Watts Bar Reservoir. The EA is deficient in not mentioning the existence of this Committee nor its role in management of risks from sediment disturbance on the Clinch.

R10

Conclusions

The RCERB supports the re-use of the former K-25 Site, now called the East Tennessee Technology Park, for industrial development (especially as an alternative to development of greenfields such as Parcel ED-1) to help offset job losses caused by DOE downsizing in the Oak Ridge area. However, reuse of the site in this manner involves Federal decisions, which in turn triggers NEPA. The RCERB's comments on this EA address the manner in which NEPA compliance was conducted for reuse of the former K-25 site.

R11

The NEPA strategy for the proposed action should be rethought. It is unfortunate that the proposed action of leasing was begun before this EA was finalized; however, this procedural flaw, while important, does not mean that NEPA compliance should be abandoned for this proposed action. As a result of this important procedural flaw, the RCERB recommends that the current EA be withdrawn and a new one developed. In the new EA, the proposed action should be reformulated (see below), and the NEPA process repeated with substantial opportunity for public involvement, to allow the process to identify potential environmental impacts from the leasing and reasonable alternatives. Since a large number of federal facilities across the U.S. have been "privatized" and "reindustrialized" in recent years (particularly as a result of the closure of military bases), there may be some benefit to conducting a "benchmarking" study to determine how NEPA compliance was achieved and to identify lessons learned from these other activities.

R12

Since the decision to lease has already been made, then the EA (or EIS if appropriate) should address the manner in which the leasing will be conducted. Development of the former K-25 site as an eco-industrial park, in which wastes from manufacturing facilities are used as feed materials for other manufacturing facilities, should be analyzed as an alternative. This alternative would likely entail preparation of a site reindustrialization plan, analysis of resulting potential impacts, and the conducting of targeted recruiting to implement the plan. At the other extreme, the alternative of open recruiting of anyone and everyone to fill available space (current proposed action?) should be analyzed; in this case, subalternatives that present true bounding analyses are needed. Also needed for this latter option is a program for monitoring individual leases, evaluating their environmental impact, and comparing the impacts to the "umbrella" established by the EA.

R13

Another option would be to define the proposed action as replacing jobs lost by government downsizing; alternatives could then include reindustrialization, development of Parcel ED-1, implementation of an Economic Renewal strategy similar to that developed by the Rocky Mountain Institute (which creates jobs without necessarily building expensive new infrastructure), or assisting local government job creation activities already underway. Finally, whatever NEPA documentation that is done should present an extremely strong and quantitative assessment of cumulative impacts as noted in the "Specific Comments" section above.

R14

NEPA is about improved decision-making through the early consideration of environmental factors associated with a desired course of action and reasonable alternatives to this course of action, and the taking of appropriate actions to mitigate adverse effects associated with a desired course of action once identified. In the case of leasing of the former K-25 site, the EA on privatization of mixed waste, and the EA for Parcel ED-1, NEPA compliance has been treated almost as a "permit", in which a NEPA document is prepared to document a decision already made. Compliance with NEPA does not mean preparing a report at the end of the decisionmaking process to describe the environmental impacts of a decision. Rather, NEPA is the decision making process, and requires the analysis of impacts of the proposed action and alternatives with public input to help the decisionmaker pick the best course of action.

R15

DOE could release the current EA as a non-NEPA document. However, a better use of federal funds in this case would be to redraft the proposed action and alternatives and conduct a true bounding analysis of potential environmental impacts from alternative means for replacing jobs lost by government downsizing.

R16

STATE OF TENNESSEE

DON SUNDQUIST
GOVERNOR

May 12, 1997

**OFFICIAL FILE COPY
AMESQ**

Ms. Patricia W. Phillips
ORO NEPA Compliance Officer
US Department of Energy - OROO
P.O. Box 2001
Oak Ridge, TN 37831

Log No. 0558

Date Received MAY 15 1997

File Code _____

Dear Ms. Phillips:

I am writing on behalf of Governor Don Sundquist for the State of Tennessee's National Environmental Policy Act (NEPA) scoping review for the **Draft Environmental Assessment: Proposed Lease of Land and Facilities within the Oak Ridge K-25 Site, Oak Ridge, TN, February 199 DOE/EA1175**. Attached are comments that represent the complete and official response of the State of Tennessee.

Please allow me to reiterate applicable principles held by the State of Tennessee concerning reindustrialization and cleanup of the K-25 site and the Oak Ridge Reservation in general.

- We will insist on compliance with Tennessee's regulatory standards unless we are convinced that proposed alternatives are equally protective of human health and the environment. These are the same for the government as for any private party.
- We favor economic development that makes sense. Reindustrialization may be appropriate but not simply at the expense of necessary clean up.
- If the clean up is anything less than our standards, we expect compensation as provided by NRDA. We refuse to accept circumstances under which DOE can just walk away from environmental problems.

Special precautions may be sought and in some cases required to ensure that adequate safety and protection are provided. We specifically request an opportunity to review DOE's responses prior to issuing a final draft finding of impact. The State will welcome opportunities to assist DOE to avoid unnecessary delays in the NEPA process but must insist on close coordination and consultation of final study results to ensure the State's public interests have been adequately addressed.

Ms. Patricia Phillips
May 12, 1997
Page 2

My staff and our state NEPA contacts are available to consult with you if such consultation is desired. We appreciate the opportunity to comment and will respond to additional opportunities in the future. If you have any questions, please contact Mr. Dodd Galbreath at (615) 532-8545.

Sincerely,

Justin P. Wilson
Deputy to the Governor for Policy

Enclosures

c: The Honorable Don Sundquist, Governor
Commissioners and NEPA Contacts of commenting agencies
James Hall,
NEPA File



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DOE OVERSIGHT DIVISION
761 EMORY VALLEY ROAD
OAK RIDGE, TENNESSEE 37830-7072

April 24, 1997

Milton Hamilton, Commissioner
Tennessee Department of Environment and Conservation
c/o Tennessee Environmental Policy Office
14th Floor L&C Tower
401 Church Street
Nashville, Tennessee, 37243-1553

Dear Commissioner Hamilton,

Document NEPA Review – Draft Environmental Assessment: “Proposed Lease of Land and Facilities within the Oak Ridge K-25 Site, Oak Ridge, Tennessee,” DOE/EA-1175, February, 1997

The Tennessee Department of Environment and Conservation, DOE Oversight Division (TDEC/DOE-O) has reviewed the above document for your concurrence and transmittal to the following DOE office:

Patricia Phillips
ORO NEPA Compliance Officer
PO Box 2001
Oak Ridge, Tennessee 37831

The Division's review was conducted in accordance with the requirements of the National Environmental Policy Act (NEPA) and associative implementing regulations 40 CFR 1500-1508 and 10 CFR 1021.

Regardless of the evolution of the reindustrialization process or the ultimate outcome, the U.S. Department of Energy (DOE) is and will continue to be held responsible for fulfilling all the commitments concerning the cleanup of the K-25 Site, as well as, the rest of the Oak Ridge Reservation. Additionally, as the landlord and partial occupant of the property, full compliance with all the applicable State of Tennessee regulations will be expected.

RECEIVED BY

MAY 02 1997

TENNESSEE ENVIRONMENTAL POLICY OFFICE

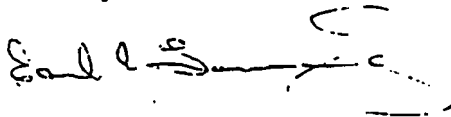
Commissioner Hamilton

April 24, 1997

Page Two

If you have any questions regarding the Division's review, please contact Adam DeWeese at (423) 481-0163 or me at (423) 481-0995.

Sincerely

A handwritten signature in black ink, appearing to read "Earl Leming". The signature is fluid and cursive, with a prominent loop at the end.

Earl Leming
Director

Tennessee Department of Environment and Conservation/DOE Oversight Division

Comments on Draft Environmental Assessment,
DOE/EA-1175, February, 1997,
Proposed Lease of Land and Facilities within the Oak Ridge K-25 Site,
Oak Ridge, Tennessee

General Comments

Additional information is needed on the arrangements with the providers of utility services as well as on how the DOE intends to address the issue of health/safety of the people associated with the potential occupants (since varying degrees of cleanup are required throughout the land/facilities up for lease). For example, although a building may be fully remediated before the lessee is permitted to occupy it, the adjacent building/land may still be contaminated. For this as well as similar scenarios, specific guidelines must be established to ensure full protection of the human health of the people as well as the environment.

Specific Comments

1. Page xiv, Lines 18-21

These lines seem to imply that additional industrial discharges into EFPC and the Bear creek tributary may be acceptable. The State Division of Water Pollution Control will make this determination. It is recommended that companies have their operations reviewed by the State before leases are signed. The same procedure would apply in areas where air emissions are a potential concern.

2. Page xv, Lines 37-38

The State also observes that UF₆ cylinders represent a hazard from accidents. Further more, this Division has collected data that indicates the cylinders are a potential source of chronic radiation exposure to tenants.

3. Page 1-5, Line 28

"In the past few years, federal funding for DOE's environmental restoration projects has decreased and continues to decline. As a result, it will be difficult for DOE to meet the milestones of the FFA within the agreed-upon time frame." The DOE's efforts and its commitment to fulfill the requirements of the Federal Facility Agreement (FFA), through innovative and bold ways, in response to the dwindling financial resources, are commended. However, as mentioned in the general comment section, the State of Tennessee, a party to the FFA, expects the DOE to meet the milestones in a timely fashion. As is the case, the State will continue to extend full cooperation in its capacity.

4. Page 1-6, Line 39

Are there base numbers on record for land and buildings to insure they are not left in worse condition after they are leased. What mechanism is in place to promote remediation, if necessary, by the leasee?

D5

5. Page 1-6, Line 39

"Related items have also been leased by an intermodal transportation company." Explain in detail as to what is meant by related items. This section needs revision and updating as it seems to be the backbone of the DOE proposal.

D6

6. Page 1-8, Line 13

"For example, there is currently a CERCLA removal action being considered by private companies for decontamination and decommissioning of K-33, K-31 and K-29 that involves removing UF₆ through certain chemical processes." An elaboration on achieving decontamination and decommissioning of K-29, K-31 and K-33 is required.

D7

7. Page 2-1, Line 16

"The majority of facilities on the K-25 Site are not scheduled for response action for a number of years. Leasing facilities provides an opportunity to perform cleanup and/or decontamination ahead of present schedules." Provide specific examples attesting the above mentioned.

D8

8. Page 2-2, Table 2-1

"Current plans for disposition of K-25 Site facilities." The table needs to be updated. The powerhouse complex has already been demolished. The Cooling Towers Demolition Project has been completed as well.

D9

9. Page 2-3, Line 27

"Prior to leasing, environmental review documentation would be prepared to disclose the conditions of the facility or area to the potential lessee." The term facility or area needs to be clearly defined (i.e., does it include an entire building, for example, or only the portion of the building which may be up for lease?).

D10

10. Page 2-6, Table 2-2, Item 4, Effluent Column

"Radioactive and hazardous effluent streams treated onsite and residues sent to licensed disposal facilities; sanitary stream goes to onsite state-permitted treatment facility and effluent is discharged to the James River; waste oil stream (nonradioactive, nonhazardous) is burned in state-licensed incinerator." Where is the James River?

D11

11. Page 2-8, Line 31

"If no action is taken to lease facilities and land at K-25, federal budget allocations decrease as anticipated, and lessees do not assist in decontamination, DOE may not be able to restore the K-25 Site to the extent or to the schedule anticipated under the FFA." When the FFA was signed in 1991, it was never envisioned that the K-25 Site would one day become available for lease. The requirements established in the agreement were never

D12

based on this assumption. Consequently, the fulfillment of the requirements must not be contingent upon leasing the land/facilities or the participation of the lessees in the decontamination process.

12. Page 2-10, Line 8

"All low-level and mixed low-level waste must be removed from K-31, K-33, and K-25 by 2002." What is the amount of waste now stored in those buildings?

D11 >

13. Page 2-10, Section 2.3

DOE must keep the liability due to CERCLA but release of the land should be a goal.

D14

14. Page 3-7, Table 3.2-2

Were the measurements taken at the same time during the year? What is attributed to/caused the SO₂ increase in 1994? Was it corrected or did conditions return naturally?

D15

15. Page 3-8, Lines 25-30

With the influx of non DOE personnel on site due to the privatization effort, many workers on site will be members of the general public. With this new scenario, monitoring radiological or any other emissions at the perimeter of the ORR is not acceptable for standards designed to protect the public. The monitoring should be conducted at the stack of the TSCA incinerator. The buffer area of the ORR no longer exists at K-25.

D16

16. Page 3-10, Line 3

"The karst features are believed to represent a karst drainage network that has been 'backed up' following impoundment of the Clinch River in 1939 (SAIC, 1996)."
A dye tracer study performed by SAIC in 1996 proved the existence of conduit flow. The existence of a karst drainage network prior to the impoundment of the river would still serve to allow the migration of contaminants by dispersion into deep karst drainways that may be connected to off-site active pathways. Leasing of K-25 property will not release DOE of its responsibilities under CERCLA to identify and correct environmental releases.

D17

17. Page 3-12, Line 5

"(the Knox Aquifer)" This should be deleted or the sentence reworded.

D18

18. Page 3-12, Line 14

What date or time of year is the water table map depicting?

D19

19. Page 3-12, Line 22

"Natural groundwater flows to the east and towards the Clinch River in the area of the residential wells." Please reference this statement or give a justification for the statement.

D20

20. Page 3-36, General Comment on Section 3.10.3 "Public Chemical Exposures"

The section on exposure pathways to the public from chemicals found in the environs is a good analysis as it pertains to the ingestion pathway (fish and water). However, it is arguable that inhalation (and not ingestion) is more appropriate for use as the primary

D21

exposure pathway to humans. With the operation of the TSCA incinerator and other potential airborne hazards at the K-25 site, inhalation should be included as a possible primary exposure pathway. Inhalation is arguably the most direct pathway for exposure of personnel and site visitors. This pathway warrants additional study.

D22

21. Page 3-38 General Comment on Section 3.10.4 "Occupational Health and Safety"

D23

This section covers Industrial Hygiene activities associated with the TSCA Incinerator. It mentions that the physical effects of exposure to the fluoride ion (fluoride is obviously a major component of UF_6) and describes the effects of exposure to the chemical, including toxicity, "*destruction of tissue under the skin*", and "*inhibition of vital enzymes*" along with "*dangerous disturbances in metabolism*." In the next paragraph the document mentions "*allegations of possible cyanide poisoning*." The question is, has fluoride been ruled out as a possible contributing factor in these illness reports?

22. Page 3-39

In reference to the UF_6 cylinders, with no further use or need of the cylinders and plans for incoming public industry, the tanks should be shipped offsite to a suitable treatment, storage, and disposal facility.

D24

23. Page 4-15, Line 22

"*There are several monitoring wells within the K-25 Site, which are routinely sampled.*" Please reference or list which wells are routinely sampled. It is TDEC's understanding that no wells at the K-25 Site are routinely sampled.

D25



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

401 Church Street
Nashville, Tennessee 37243

April 25, 1997

MEMORANDUM

To: Justin P. Wilson, Governor's Lead Point of Contact for NEPA Reviews

From: Andrew N. Barrass, Ph. D., Environmental Review Coordinator
Division of Natural Heritage, TDEC

A handwritten signature in black ink, appearing to read "AB", located to the right of the "From:" line.

Attn: Mr. Dodd Galbreath, Environmental Policy Office, TDEC

Subject: Project review information for endangered species and critical or sensitive habitat; Draft Environmental Assessment, Proposed Lease of Land and Facilities within the Oak Ridge K-25 Site--Area, Oak Ridge, TN

Regarding the subject document, we have previously commented upon the proposed actions (letter to Ms. Andrea Campbell, August 21 1996). The information that we transmitted has been incorporated into, and referenced within the Draft Environmental Assessment (EA). As you are aware, our records indicated several species occurrence records within an approximate four mile radius of the proposed project site(s). Therefore, after review of the subject Draft EA we see no need to formally comment further on the proposed action.

We appreciate the opportunity to assist you with your pre-project planning. If we can be of further assistance with this project please contact our office, telephone 615/532-0431.

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Department of Economic
and Community Development

Office of Special Projects
Rachel Jackson Building, 7th Floor
320 Sixth Avenue North
Nashville, Tennessee 37243-0405
Telephone: 615-532-9054
In-State 1-800-342-8470
Out-of-State 1-800-251-8594
Facsimile 615-741-5829



TENNESSEE

Wilton Burnett, Jr., P.E.
Director

April 25, 1997

Ms. Patricia W. Philips
ORO NEPA Compliance Officer
US Dept. of Energy - OROO
P.O. Box 2001
Oak Ridge, TN 37831

SUBJECT: Draft Environmental Assessment: Proposed Lease of Land and
Facilities within the Oak Ridge K-25 Site, Oak Ridge, TN,
February 199 DOE/EA 1175

Dear Ms. Philips:

The Tennessee Department of Economic and Community Development appreciates the opportunity to review and comment upon the above referenced document. While we certainly encourage and support the development of job opportunities in the Oak Ridge area by the use of said properties, we have no further specific comments at this time.

Sincerely,

A handwritten signature in cursive script that reads "Wilton Burnett, Jr." with a small "P.E." written below the name.

Wilton Burnett, Jr., P.E.

WB:am

RECEIVED BY

APR 29 1997

T.N. ENVIRONMENTAL POLICY OFC.

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STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

April 2, 1997

Ms. Patricia Philips
ORO NEPA Compliance Officer
US Department of Energy -OROO
P.O. Box 2001
Oak Ridge, TN 37381

Dear Ms. Philips:

Thank you for your recent request for comments regarding the Draft Environmental Assessment: Proposed Lease of Land and Facilities within the Oak Ridge K-25 site, Oak Ridge, Tennessee. Our general comments include the following issues:

Appropriate permits are to be obtained prior to beginning work, as confirmed on page 4-14 of the Draft Environmental Assessment (EA). Any impacts to water resources, including wetlands, are to be avoided if possible. Referring to page 4-18 of the EA, it is stated that DOE will avoid construction in wetlands or mitigate possible damage to wetlands.

P1

Streams can be protected from siltation by implementing Best Management Practices. Appropriate erosion and stormwater controls should be installed and maintained. We appreciate the commitment to obtain runoff permits as stated on page 4-14 of the EA.

P2

Thank you for your consideration of these comments. If you have questions concerning my comments, please contact me at 615-532-0699.

Sincerely,

Gregory M. Denton, Manager
Planning and Standards Section
Division of Water Pollution Control

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STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF RADIOLOGICAL HEALTH
3RD FLOOR, L & C ANNEX
401 CHURCH STREET
NASHVILLE, TN 37243-1532
615-532-0360
INTERNET: mmobley@mail.state.tn.us

April 4, 1997

Ms. Patricia W. Philips
ORO NEPA Compliance Officer
U.S. Department of Energy - OROO
P O Box 2001
Oak Ridge, TN 37831

Dear Ms. Philips:

We have reviewed the document entitled *Draft Environmental Assessment: Proposed Lease of Land and Facilities Within the Oak Ridge K-25 Site, Oak Ridge, TN, February 1997 DOE/EA 1175*.

This document is intended to be rather generic since potential tenants have not been identified, however, we offer the following specific comments and concerns:

1. Reference is made to the Nuclear Regulatory Commission's (NRC) occupational limit (Page XV) and NRC rules (5-1). The Tennessee Department of Environment and Conservation, Division of Radiological Health currently licenses a facility on the K-25 site to receive and possess radioactive material. The appropriate regulations to reference would be *State Regulations For Protection Against Radiation (SRPAR)*. T1
2. Page 1-5 – When buildings and equipment are decontaminated, they must meet established regulatory limits. Requests for "free release" of facilities or licensing of privatized activities must be presented with an appropriate time frame for regulatory considerations. 2
3. Pages 2-5, and 4-16 – Effluents to the city sewer should be monitored for applicable radionuclides and should not exceed concentrations specified in *SRPAR*, license conditions, or other city requirements. T3

Patricia W. Philips

April 4, 1997

2

4. Pages 4-24, and 4-25 -- The combined radiological doses to members of the public from several industries on the K-25 site may be "very small". However, jurisdictional questions for cross boundary exposures and emissions will occur. These items must be addressed by increased monitoring, surveillance, and engineering controls.

74

Thank you for the opportunity to comment on this document.

Sincerely,

Debra Sluets for

Michael H. Mobley

Director

MHM:DGS:sk

philips/mhm97#2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
 ATLANTA FEDERAL CENTER
 100 ALABAMA STREET, S.W.
 ATLANTA, GEORGIA 30303-3104

May 15, 1997

4EAD-OEA

Ms. Patty Phillips (M-7)
 Project Manager
 U.S. Department of Energy
 P.O. Box 2001
 Oak Ridge, TN 37831

**SUBJECT: EPA REVIEW OF DOE EA FOR "LEASE OF LAND AND FACILITIES
 WITHIN THE OAK RIDGE K-25 SITE, OAK RIDGE, TENNESSEE"**

Dear Ms. Phillips:

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced U.S. Department of Energy (DOE) Environmental Assessment (EA) regarding the proposed leasing of DOE land within the K-25 site. We appreciate the review comment time extension to May 16, 1997.

In general, we believe that the EA provides the conceptual basis for proposed DOE leases. However, we do not believe it provides sufficient detail for specific leasing projects. Pursuant to the Hall Amendment and the Federal Facility Agreement, such specifics should be provided to EPA for each proposed lease/sublease scenario.

We offer the following technical comments on the EA:

- Pg. xiii, Summary: In our meeting in Atlanta on April 21, 1997, DOE presented the position of EPA as an "optional" stakeholder if leasing is done pursuant to the Atomic Energy Act (AEA). We are encouraged to see that this is not your position in the document. Rather, it is stated (page xiii, line 29) that DOE's purpose is to meet the goals of the Hall Amendment. The Comprehensive Environmental Response Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act/Hazardous and Solid Waste Amendments, and the Hall Amendment make EPA and the state environmental programs critical participants in leasing. However, we do not seek involvement in the efforts to attract business or negotiate leases, other than the applicable environmental and public health provisions of leases. Early and regular contact between EPA, TDEC, DOE-ER and DOE-leasing staff will allow us to assist reindustrialization by inspecting spaces targeted for leasing and clearing them before conditions delay finalizing leases.

- Pg. 1-5, Sec.1.2: The purpose and the need for DOE's "action" to lease land, facilities, and equipment needs to be clarified more with respect to meeting the CERCLA risk range for members of the public that may be exposed to contaminated areas. Assuming all land uses are commercial/industrial for leasing purposes, the future workers should be assessed against the CERCLA risk range of $1E-4$ to $1E-6$ incidental cancer risk, and not just the 100 mrem/yr annual exposure to the public. We would recommend 15 mrem/yr EDE or $3E-4$ risk to assess exposures to the workers assuming adequate characterization is done on the contaminated areas. This should be for companies with a radioactive material license and those without. Details of applying the 15 mrem/yr dose and translating to surface or soil concentrations should be discussed with the EPA Region 4 Radiation Office (#404/562-9139). E3
- Pg. 3-8, Sec.3.2.2.3: Although the ORR facilities are currently in compliance with subpart H, of 40 CFR 61, each new proposed lease will have to be assessed in the relation to its closest point source, which for K-25 is the TSCA Incinerator. Although already a major stack as defined by subpart H, the dose from the stack to each of these leases will have to be assessed to ensure the dose is less than 10 mrem/yr, and if added filters, etc. will be required. E4
- Pg. 3-35, Sec.3.10.1: The estimated exposure calculated here for the maximum exposed member of the public is assumed to be off site and not any potential lease areas. Any worker whether radiation worker or not should be assessed based on adequate characterization of the potential contamination remaining in their leased areas or facilities and compared against the CERCLA risk range and not DOE Order 5400.5. The 100 mrem/yr is outside the risk range (approximately E-3 risk). E5
- Pg. 4-24, Sec.4.2.9.1: It is assumed any commercial company with a current radioactive material license from NRC or an Agreement state, would have to obtain a new license if they lease property for radiation-related work. It would appear essential that an accurate assessment of any existing radioactive contamination is done to ensure they can, after their lease expires, determine their "added" contamination distinguishable from DOE's. Also, please clarify that the Agreement state or NRC will have full control over these leased facilities just like their fixed facilities off site, in terms of compliance and inspections. E6

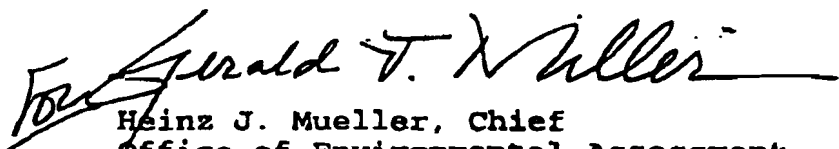
In order to coordinate sufficient information for EPA to determine that the leases are protective of human health and the environment, we encourage DOE to provide comments on the leasing E7

3

protocol EPA transmitted on February 5, 1997. The protocol, once it is refined by EPA, DOE, and TDEC, will provide sufficient coordination for EPA and TDEC to expedite leasing reviews and make protectiveness determinations. We look forward to receiving your comments on the protocol.

We appreciate the opportunity to comment on the EA at this time. We will continue to expedite the review of DOE site-specific lease documents for individual proposed leases as we receive them. Should you have questions about these comments, feel free to contact me at (404) 562-9611 or Chris Hoberg of my staff at (404) 562-9619.

Sincerely,



Heinz J. Mueller, Chief
Office of Environmental Assessment
Environmental Accountability Division

cc: Randy Gordon, Chair OREMSSAB
Earl Leming, TDEC
Amy McCabe, City of Oak Ridge
Rod Nelson, DOE-OR
Dodd Galbreath, TDEC

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OAK RIDGE ENVIRONMENTAL PEACE ALLIANCE

May 15, 1997

Mr. Larry W. Clark
 NEPA Document Manager
 DOE-ORO Vision 2010 Task Team
 P. O. Box 2001
 Oak Ridge, TN 37831

Dear Mr. Clark:

The Oak Ridge Environmental Peace Alliance (OREPA) has reviewed the "Draft Environmental Assessment, Lease of Land and Facilities Within the Oak Ridge K-25 Site, Oak Ridge, Tennessee" (EA). We are in general agreement with the recommendations approved by the ORREMSSAB at their May 7 meeting. Issues of primary concern included in the ORREMSSAB recommendations as well as additional concerns are discussed below.

Use of Surrogate Industries

At the Oak Ridge Reservation, "bounding" analyses for proposed actions for which details are incomplete have been used often in the past. The National Environmental Policy Act (NEPA) regulations which justify the use of bounding analyses should be cited in this EA. Also, the scope of this EA is only broadly defined in Section 1.4 and elsewhere in the document. It is imperative that the document clearly state the industries, processes, waste streams, emissions/effluents and contaminants that are covered by this EA. The assumption that "Future tenants may use land and/or facilities for (but are not limited to) the following purposes: metals recycling, tool fabrication, commercial laundry services, office space, administrative support services, laboratory services, and waste management facilities" (page 2-4, fifth bullet) does not sufficiently define the actions covered by this EA. Processes, waste streams, emissions/effluents, and contaminants can vary greatly within most of these categories.

In addition to a clearly defined scope for the EA, criteria and procedures must be contained in the document by which it will be determined whether or not future actions fall within the bounds of the analysis. If these criteria and procedures as well as the scope of this EA are not more clearly defined, public outrage which resulted in the withdrawal of the "Programmatic Environmental Assessment, Proposed Privatization of Treatment and Disposal of the Department of Energy's Oak Ridge Reservation Low-Level Mixed Waste" because of the use of hypothetical facilities, is likely.

Mr. Larry Clark
Page 2

Categorical Exclusions

Categorical exclusions (CX) are noted for several leases that were in effect at the time the EA was written. However, since the document was written, other leases have been signed. Copies of all CX determinations for existing and proposed leases need to be appended to the document. On page 2-2, the document states that future leases will not be effective until all NEPA and other statutory and regulatory requirements are met. The public must have input into the CX process in order to be assured that NEPA and other requirements are being met.

03

The CX for the K-25 barge facility is particularly questionable. The Community Reuse Organization of East Tennessee (CROET) has discussed plans to turn it into a regional barge facility, which would constitute a change from the current use. Also, on page 4-29 it is stated that dredging at the barge facility is anticipated by the lessee. In a sediment study conducted for the Brashear Island area by the Environmental Sciences Division of the Oak Ridge National Laboratory, it is stated that a new barge terminal at the K-770 area of the K-25 site is being considered and would greatly increase barge traffic. It further states that this area may be a likely candidate for future bottom dredging operations to maintain legal hull clearances (personal communication, Dan Levine). Sediment data in the 1996 Clinch River/Poplar Creek Remedial Investigation/Feasibility Study indicate that sediment in this area is heavily contaminated and that dredging would require approval from a multi-agency team. Therefore, a CX for the new barge facility is inappropriate. Further, communication appears to be lacking between personnel working on the Clinch River/Poplar Creek study and those that prepared this EA.

04

The use of the toxicity characteristic leaching procedure (TCLP) to determine whether the dredged sediment is safe to use as fill or topsoil at the K-25 site as stated on page 4-29 is also inappropriate. The TCLP is applicable for materials that will be placed in a landfill, not an unprotected environment such as a borrow pit.

05

Condition of Land and Facilities

Leasing buildings that still contain contaminated areas should only be a short-term solution to cleanup at the K-25 site. It is unacceptable to lease partially remediated buildings in lieu of full cleanup. Efforts to decontaminate and decommission buildings and develop technologies to achieve full cleanup should not be abandoned.

06

On page 2-2 it is stated that DOE would document the condition of land and/or facilities prior to leasing, but no mention is made of the CERCLA 120(h) process. Questions have already been raised by EPA Region IV on the adequacy of information contained in the CERCLA 120(h) reports for buildings K-1036 and K-1220 (letter from Camilla Bond Warren (EPA) to Margaret Wilson (DOE) dated February 19, 1997). We understand that DOE is currently working with EPA to develop a protocol to improve the adequacy of the

07

Mr. Larry Clark
Page 3

reports. However, it is not clear in this EA how disapproval by EPA of a CERCLA 120(h) report would affect a Finding of No Significant Impact, if indeed one is issued as a result of this EA.

It is further stated on page 2-2 that specific lease restrictions would be imposed for land areas and facilities as needed to protect sensitive environmental resources and the health and safety of the lessee. We have received reports that restrictions are not clearly defined or monitored in buildings currently under lease and are concerned for the health and safety of workers in these buildings. Industries coming into these buildings that do not deal with radioactive materials will not have personnel that are trained to recognize or respond to situations involving radioactive substances. At the very least, the presence of health physicists with radiological training is paramount in buildings with restrictions to areas that are still contaminated, even if those areas are considered to be isolated. Information on how lease restrictions will be monitored and under whose authority needs to be provided in the EA.

General Comments

On page 1-6, the Common Ground Process, the Site Management Planning Process, and the Management Action Process are cited for identifying future land use of the K-25 site. The Common Ground Process has been largely discredited by many stakeholders and the Site Management Planning and the Management Action Processes have included little if any public involvement. In addition, the End Use Working Group is currently underway to identify end uses for the Oak Ridge Reservation. The document should be revised to reflect the current state of future land use planning at the Oak Ridge Reservation.

Leasing to the CROET is discussed on page 2-1. The document should describe its function and justify the need to lease to the CROET.

On page 2-9, the Ten Year Plan is cited as the schedule to accomplish remediation. The Ten Year Plan is still in draft form and has been challenged for inaccuracy and inadequacy from a diversity of stakeholders as well as regulators. This draft plan should not be cited or relied upon to provide a schedule for remediation of the K-25 site.

In summary, OREPA feels that the EA needs significant revision. Of primary importance is a detailed definition of the scope of the EA; criteria and procedures for determining if future leases fall within the bounds of this analysis must also be included. The many errors contained in the document (such as reference to the James River in Table 2-2) suggest that it was hastily pulled together from other existing documents. The apparent lack of knowledge regarding the Clinch River/Poplar Creek study indicates that communication between the preparers of the EA and project personnel for ongoing relevant studies is not occurring. We are also concerned that the health and safety of workers in leased buildings

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Mr. Larry Clark
Page 4

are low priority to the Department of Energy. These workers are entitled to full protection from radiological and chemical hazards which may remain in these buildings. _____
Further, leasing buildings with areas containing contamination should only be a short-term solution to cleanup at the K-25 site; efforts to achieve full cleanup should not be abandoned.

014

Sincerely,

Mary Bryan
Mary Bryan
Coordinator

130 Oklahoma Avenue
Oak Ridge, TN 37830
May 8, 1997

Mr. Larry Clark
NEPA Document Manager
DOE-ORO Vision 2010 Task Team
P.O.Box 2001
Oak Ridge, TN 37831

Dear Mr. Clark:

**Comments on DOE/EA 1175
Draft Environmental Assessment for Lease of Land and
Facilities Within the K-25 Site
May 8, 1997
Robert Peelle
130 Oklahoma Avenue, Oak Ridge, Tennessee**

General Comments:

These comments on the Draft Environmental Assessment for Lease of Land and Facilities Within the K-25 Site (the Draft EA) reflect my role as a Roane County Oak Ridger who was a longtime elected Roane County Commissioner. The K-25 site has been an important industrial site. Roane County does not have many good sites, and maintenance of a high level of activity there is quite important to the future of the Roane County. Therefore I was quite disappointed to find that this Draft EA virtually ignored Roane, particularly in its spotty coverage of socioeconomic impacts.

Please include appropriate coverage of Roane County government or governments in the final assessment, including at least a full treatment of the impacts on tax (and *in lieu* of tax) payments to Roane County as well as the City of Oak Ridge.

B1

Specific Comments:

Summary, pg. xv, lines 4-8. (See also pg. 3-27, lines 38 ff)

The local tax situation is inaccurately summarized. The Tennessee Sales and Use Tax is paid by the DOE plants now, and would be paid by any new tenants just as it is by tenants elsewhere. A sales tax component determined by each local taxing district is collected in the same process.

B2

The *ad valorem* tax situation is complex for public industrial parks, and I have seen nothing about the plans, if any, that are in place for the K-25 site. Court actions have often inhibited tax collections expected under the local government constitutional changes of about 1978. Another complication is that DOE expects to halt "*in lieu*" payments on leased land (see below). Speak with the Property Assessor in Kingston, the Oak Ridge City Manager's office, and the Division of Property Assessment in Nashville.

B3

Pg. 4-20, paragraph 4.2.5.5, lines 20 ff.

This paragraph has the problems describing the impact on local government income that are referred to above. The statement is in error on sales tax, because the (equivalent) Use Tax kicks in if the merchandise is shipped from elsewhere. Check with the Lockheed Martin treasurer, or Gary Riser, to learn how Lockheed Martin pays. The many exemptions in the act could be a problem.

B4

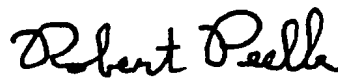
DOE is counting on "saving" in lieu of tax money as a result of the K-25 leases, and the city and county need to know what taxes to expect from leased land or facilities to help support public services. (See earlier comments on property taxes and in-lieu payments.) Local revenues for city and county also include the local portion of the Sales and Use tax. (The guiding question for many is, if all the land and facilities are leased, will maintenance of county services require increased *ad valorem* tax rates?)

B5

Pg. 4-31, lines 40-1.

This reader does not find in Section 3.6.4 any evidence of excess capacities for providing municipal services. Such analyses are frequently given in reports like this EA, but usually do not correctly predict local government costs.

B6



Robert Peelle

Barbara A. Walton
85 Claymore Lane
Oak Ridge, TN 37830
May 15, 1997

Larry Clark, NEPA Document Manager
DOE-ORO Vision 2010 Task Team
P. O. Box 2001
Oak Ridge, TN 37831

Comment on Draft EA - Lease of Land and Facilities within The Oak Ridge K-25 Site

I support the Proposed Action (PA).

I recommend that DOE revise this document and retitle to reflect the current name of the site—East Tennessee Technology Park. Note that this includes the ED-1 site; therefore it should be removed from section 4.3 (cumulative impacts) and included as part of the proposed action. In addition, since the EA for ED-1 resulted in a mitigated FONSI, the mitigation plan should be included (perhaps as an appendix). Also the assumptions given on pages 2-3 and 2-4 should be included in a mitigation plan for this PA.

W1

A major problem with this document is the failure to identify a No Action Alternative that is any different from the PA. This is at least partly due to the fact that it is based on the ORO 1996 Draft 10 year plan which assumed “reindustrialization”; this PA is one way to implement that. This “circular logic” leads to an inadequate baseline for comparison.

W2

Specific comments follow:

1. On p. xiii, line 4, insert “health and” after “human”.
2. On p. xiii, 3rd paragraph, line 3, insert “and public” after “lessee”.
3. On p. xiii, end of 4th paragraph, explain what is meant by the “Hall Amendment” (or reference another part of this document, if it is discussed elsewhere).
4. On p. 1-6, last paragraph, 2nd line, explain that it was a Mitigated FONSI.
5. On p. 1-6, end of last paragraph, include more recent leases, including leasees name and give more information about each CX (perhaps by creating a new table). Also include CX in the Acronyms (p. ix) and explain what an “individual CX” is.
6. On pages 2-5 thru 2-7, Table 2-2 information was obviously extracted from other sources; note use of “James River” in item 4 effluents. Use local data.
7. On p.2-9, last paragraph, the 1996 BEMR should be used.
8. On p. 3-1, 2nd paragraph, lines 5 and 6, the statement about tornadoes is incorrect; while the storms that spawn them may not be formed here frequently, tornadoes certainly occur quite often.
9. On p. 3-4, 1st paragraph, see 6 above, wind problems are trivialized unrealistically.
10. On p. 3-8, correct table number to “3.2-2”.
11. On p. 3-9, include 1995 and 1996 data in Table 3.2-3.
12. On pages 3-29 Table 3.7-3, 3-31 Table 3.7.3, 4-32 Table 4.3-1 and 4-33 Table 4.3-2 include SR 58 from Gallaher Bridge to I40. There is no way to prove new employees will live at same location or travel same way as current; also some of the jobs lost are at other locations.
13. On p. 3-38, last paragraph, this sounds like part of a sales brochure.
14. Appendix B should contain more information; a fact sheet should be included for every facility listed in Table 2-1 (p. 2-2) as planned for reuse.

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Barbara A. Walton

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United States Government

Department of Energy

Oak Ridge Operations Office

memorandum

DATE: December 19, 1997

LY TO

ATTN OF: SE-32:ACampbell

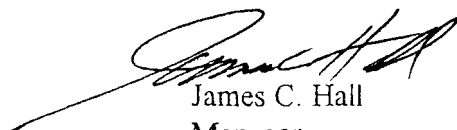
SUBJECT: **NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS FOR THE PROPOSED EXPANSION OF THE LEASING PROGRAM AT THE EAST TENNESSEE TECHNOLOGY PARK: ENVIRONMENTAL ASSESSMENT(DOE/EA-1175); FINDING OF NO SIGNIFICANT IMPACT (FONSI); COMMENT-RESPONSE SUMMARY**

TO: Robert J. Brown, III, Assets Manager, M-7

The attached documents, dated November 1997, have been reviewed by staff of the Office of Chief Counsel and the Oak Ridge Operations (ORO) NEPA Compliance Officer (NCO) in accordance with the Council on Environmental Quality Regulations Implementing NEPA (40 CFR Parts 1500-1508), Department of Energy (DOE) NEPA Implementing Procedures (10 CFR 1021), and ORO's delegated responsibility for environmental assessments per DOE Order 451.1. After consulting with them, I have determined that the proposed action does not constitute a major federal action that would significantly affect the quality of the human environment, within the context of the NEPA of 1969. Therefore, preparation of an environmental impact statement will not be necessary, and DOE is issuing a FONSI for the proposed action.

Please note that your office is responsible for issuing a public Notice of Availability for these documents, as specified in 40 CFR 1505.6(b), 10 CFR 1021.322, and DOE Order 451.1(5)(e)(5).

If you have questions about the EA, FONSI, or the NEPA process, please contact Mr. David R. Allen, Acting NCO, on 576-0411.


James C. Hall
Manager

Attachment

cc w/attachment:

C. M. Borgstrom, FORS/EH-42 (5 copies + diskette)

L. W. Clark, M-7

D. R. Allen, SE-32 (3 copies)

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