



Department of Energy

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

October 31, 2018

Mr. Dennis Wilson, Chair
Oak Ridge Site Specific Advisory Board
Post Office Box 2001
Oak Ridge, Tennessee 37831

Dear Mr. Wilson:

RESPONSE TO THE LETTER DATED AUGUST 28, 2018, RECOMMENDATION 240: ON THE PROPOSED ENVIRONMENTAL MANAGEMENT DISPOSAL FACILITY

Thank you for your August 28, 2018, letter with a recommendation regarding the proposed Environmental Management Disposal Facility (EMDF). The U.S. Department of Energy (DOE) response to the five items in the recommendation are given below:

1. **Funding:** Ensure that funding is secured and prioritized to provide a reasonable period of overlap no less than two years operation of the proposed EMDF and the existing Environmental Management Waste Management Facility (EMWMF) given the fact that the EMWMF is currently at 75 percent capacity.

Response: Within its planning budgets and scheduling of future cleanup scope, which includes providing for a future onsite waste disposal facility (EMDF) to replace the EMWMF, DOE has accounted for the need to begin operation of the EMDF two years prior to attaining capacity in the EMWMF. DOE submits a yearly budget estimate to the Office of Management and Budget that reflects full compliance with all of our environmental commitments, as required by Executive Order 21088, entitled *Federal Compliance with Pollution Control Standards*. This budget submittal has the prioritization needs of the Oak Ridge Office of Environmental Management (OREM) considered, and securing the funding is part of the submittal process.

2. **Community Engagement:** Although communication with and to the community is part of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process, emphasis should be placed on direct and iterative contact with the residential communities that are near the proposed EMDF site. Ideally, this should involve scheduled informational meetings with adjacent communities to ensure visibility regarding proposed plans, while allowing residents the opportunity to learn about the plans, and have their voice heard regarding their concerns. We recommend these meetings include the planning and status of the design and construction efforts and timelines for completion of each critical phase. These informational meetings should be scheduled to take place as early as possible

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in the planning stages to adequately address community/public concerns and that meetings are scheduled in sufficient numbers, times, and places to allow all interested parties to attend. Also, consideration should be given to publicizing dates, times, and locations of the meetings to ensure the public is aware they are taking place.

Response: OREM is committed to conducting all of the robust communication efforts listed in its EMDF Community Outreach Plan, which was approved by the U.S. Environmental Protection Agency and the Tennessee Department of Conservation and Environment. At each stage of this project, OREM has fulfilled, and even exceeded, those outreach commitments to ensure full public awareness about this important project.

The public comment period for the EMDF Proposed Plan was originally scheduled to run from September 10 to October 26, 2018, but OREM extended the deadline to December 10, 2018, to ensure all interested parties have adequate time to review and provide comments on the document.

Consistent with your recommendation requests, OREM scheduled information sessions immediately after the EMDF Proposed Plan was released to begin dialogue and interactions with residents and stakeholders. We hosted the first information session on September 13, 2018, at the DOE Information Center and the second information session on October 2, 2018, at the East Tennessee Economic Council Building. We also supported a third information session that was hosted by the Sierra Club at the Tennessee Department of Conservation and Environment office on October 11, 2018. Additionally, OREM is hosting a formal public meeting about the project on November 7, 2018, at the Y-12 New Hope Center.

OREM has taken numerous steps to ensure the community is aware of every opportunity to learn more about the project and have their voice heard. Specifics about the information sessions and public meeting have been posted in the Knoxville News Sentinel, The Oak Ridger, and Roane County News. Details have also been available on the OREM homepage and social media accounts. OREM also sent out more than 15,000 mailers to every household in Oak Ridge inviting them to the public meeting on November 7, 2018.

The information sessions have been very beneficial. Participants were able to obtain valuable information from posters, fact sheets, and speaking with all of the project managers associated with the EMDF. Federal and contractor personnel were able to answer all questions from the attendees directly, share project timelines, and inform them of the opportunities and methods to share their input. Those sessions resulted in multiple news stories about the project, which enabled OREM to connect with local organizations interested in learning more about the EMDF.

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The Environmental Quality Advisory Board and Tennessee Citizens for Wilderness Planning each requested and received tours of the proposed EMDF site during

OREM has conducted outreach for this project in many other ways and has provided briefings to local officials and community organizations and presentations at local, regional, and national meetings on the topic. Most recently, we extended invitations to the City of Oak Ridge and Roane County leadership as well as all members of the Oak Ridge City Council to receive the EMDF briefings and tours. OREM is also discussing this topic at the November Oak Ridge Site Specific Advisory Board meeting, which includes a tour of the site the following week. This public meeting provides another opportunity for the community to learn about the project, ask questions, and share opinions.

3. **Expansion/Additional Capacity:** During the preparation of the Proposed Plan, the Record of Decision (ROD), and the conceptual and design phases of the EMDF, DOE should evaluate and ensure that the facility will allow for an additional capacity in case the original capacity is not adequate.

Response: DOE has included in all its calculations throughout the Remedial Investigation/Feasibility Study and Proposed Plan to date, a 25% uncertainty factor (increase) in waste volumes projected for disposal in an onsite facility. DOE will continue to carry this 25% increase/uncertainty factor throughout the ROD and design phases for the future EMDF.

4. **Monitoring:** Actual hydrologic conditions in the proximity of the proposed site for the EMDF should be evaluated to mitigate or eliminate any deleterious effects later during construction and operation. Additionally, the evaluation process should include specific lessons learned from the current facility and results from ongoing site investigation/sampling. The evaluation process should be completed before the design phase is finalized.

Response: DOE conducted a Phase 1 characterization effort at the Central Bear Creek Valley site (the proposed site for the EMDF) in early 2018. The piezometers installed during this campaign continue to be monitored and planned to be monitored for a one year period. Additionally, a Phase 2 characterization effort was recently initiated in which 14 new piezometers are being installed to obtain hydrologic information (as well as seismic analyses and soil analyses); these piezometers will also be monitored for an extended period of time. The data obtained from these sample points are being evaluated (evaluation will be considered complete once the full one year of data is obtained), used to inform design as it progresses into the preliminary stage, and will be used as a basis for final design as well.

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Lessons learned from the existing facility are also being considered as design progresses.

5. Budget for Future Monitoring and Maintenance of the Completed Facility: Funding should be allocated and prioritized for the post-construction phase that includes future monitoring and functioning of the facility for requirements stipulated in the ROD and other relevant documents.

- a. Seek a mechanism for either DOE or a public-private partnership that would be responsible for the lifetime of the EMDF to provide scheduled periodic maintenance to avoid deterioration of the facility once the facility is at capacity.

DOE will be responsible for the EMDF periodic maintenance and monitoring, as well as any unscheduled maintenance of the facility that may be necessary once the facility has been closed. The funding necessary to carry out these responsibilities has been included in the DOE long-term stewardship estimates. The mechanism by which this funding would be made available will be managed through the DOE Office of Legacy Management.

- b. Devise a monitoring and maintenance plan prior to closure of the EMDF.

DOE Order 435 requires a monitoring and maintenance closure plan be developed for the facility. Additionally, CERCLA requirements, as Applicable or Relevant and Appropriate Requirements, stipulate the need for planning and conducting long-term monitoring.

CERCLA also requires a five year review of all remedies so long as the hazardous substances remain on the site above levels that permit unrestricted use and unlimited exposure. The purpose of the five year review is to ensure that the remedy performance remains protective, and implement any corrective action if the remedy is determined to not be protective. There are, therefore, many mechanisms regarding the requirements to plan and carryout long-term management of the facility, and to maintain its protectiveness of the public and environment in perpetuity.

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Thank you for your continued focus and attention to support our important environmental cleanup mission. If you have any questions or if we can be of further assistance, please contact Brian Henry at 241-8340.

Sincerely,



John A. Mullis II
Manager

cc:

Carl Froede, EPA Region 4
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