



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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

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COUNTY MAYOR'S OFFICE

October 31, 2023

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

TDEC Approval: Fiscal Year 2023 Phased Construction Completion Report for the Oak Ridge Reservation Environmental Management Waste Management Facility (DOE/OR/01-2941&D2)

Dear Mr. Petrie

The Tennessee Department of Environment and Conservation (TDEC), Division of Remediation - Oak Ridge Office, received the revised (D2) Phased Construction Completion Report (PCCR) for the Environmental Management Waste Management Facility (EMWMF) on October 4, 2023. TDEC reviewed the document in accordance with the [Federal Facility Agreement \(FFA\) for the Oak Ridge Reservation \(ORR\)](#). TDEC approves the plan based on resolution of key [state comments](#) on the [draft \(D1\)](#), although Comment 66 remains unresolved.

TDEC is not prioritizing resolution of state concerns regarding the appropriate water quality standards for lead and polychlorinated biphenyls (PCBs) at this time because concentrations of those chemicals are not at levels of concern. However, TDEC will work with the U.S. Department of Energy (DOE) and the U.S. Environmental Protection Agency (EPA) to resolve state concerns related to this comment and seek clarity about the previous agreement cited in the response to Comment 66.

The response to Comment 66 is confusing. The response disagrees with the state's position that lead concentrations in groundwater should be compared with Tennessee's domestic water supply standard of 5 micrograms per liter ($\mu\text{g/L}$) or 0.0005 milligrams per liter (mg/L). During the October 25 project team meeting, DOE asserted the comparison is not made because the 1999 EMWMF Record of Decision (ROD) does not include Tennessee Comp. R. & Regs. 1200-04-03 (now 0400-40-03) as an Applicable or Relevant and Appropriate Requirement (ARAR). However, the PCCR table at issue compares levels of other chemicals to the appropriate standards. The response is also unclear because it refers to an irrelevant surface water value when the comment is about a table of groundwater data.

TDEC proposes a straightforward resolution to this issue by adding portions of the state rule as ARARs when DOE submits the forthcoming Explanation of Significant Differences (ESD). This is a reasonable approach because the purpose of the ESD is to add portions of the Clean Water Act to the ROD as ARARs, in accordance with the related Dispute Resolution Decision.¹ TDEC will also continue working with DOE and EPA to resolve concerns regarding the appropriate approach for evaluating PCB data during review of the forthcoming revision of the interim Sampling and Analysis Plan/Quality Assurance Project Plan ([SAP/QAPP](#)).

While TDEC approves the Fiscal Year 2023 PCCR and looks forward to resolving the state's concerns, this approval is not an agreement with the implication in the response that no change to the report is necessary because the document is consistent with the past four PCCRs. Consistency with past documents alone is not necessarily a sufficient reason to reject revisions requested by TDEC.

TDEC appreciates ongoing efforts to improve the clarity and utility of graphics used in the PCCR, including maps. We look forward to continuing progress in this regard. Questions or comments concerning this letter should be directed to Brad Stephenson at the above address, by phone at 865-352-1235, or by email at brad.stephenson@tn.gov.

Sincerely

Randy C Young

Digitally signed by Randy C
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Randy C. Young
FFA Project Manager
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¹ U.S. Environmental Protection Agency, 2020, Final Dispute Resolution Decision Letter from A.R. Wheeler, Administrator, December 31.