

Oak Ridge Reservation Communities Alliance (ORRCA) Meeting

Monday, March 6, 2023 at 2:00 p.m.

TN Department of Environment and Conservation, Division of Remediation

761 Emory Valley Road, Oak Ridge TN

Agenda

- I. Welcome
- II. Approval of January 25, 2023 minutes
- III. Quarterly Report –submitted by City of Oak Ridge to TDEC, motion to enter into the minutes requested.
- IV. Approval of ORRCA’s 5-Year Work Plans—Drafts attached
 - a. FFA
 - b. ESO
- V. Intergovernmental Agreement between City of Oak Ridge and Counties-Discussion
- VI. Discussion—Workshop, Energy Communities Alliance Grant to Anderson County
- VII. Old Business
- VIII. New Business
- IX. Next ORRCA Meeting: Monday, June 5th 2:00 p.m. TDEC, DOR
- X. Adjournment

Oak Ridge Reservation Communities Alliance
FY 2023 Quarterly Report for the Period
October 1 thru December 31, 2022

Many activities in support of the ORRCA grant scope of work took place during this **second quarter** of the FY23 grant period.

Q2 Activities in Support of the Scope of Services:

- (1) Members continued to review the draft legal settlement released in August 2022 regarding the Natural Resources Damages Assessment. The Oak Ridge City Council adopted a resolution at their October meeting transmitting comments to the Tennessee Department of Environment and Conservation requesting additional information, a pause in the process to allow the consultation with the affected jurisdictions, and expressing opposition to the proposed legal settlement.
- (2) Members continued to participate in meetings and planning for the proposed Oak Ridge Airport to be located at the East Tennessee Technology Park.
- (3) Members met with DOE officials on their site visit from Headquarters to discuss environmental management issues.
- (4) Members met with the Oak Ridge program officer for the National Park Service and the new Superintendent of the Manhattan Project National Historical Park.
- (5) Members continued to monitor DOE's proposed budget and congressional appropriations for FY23, which determine funding for Oak Ridge DOE programs.
- (6) Members prepared the first quarter grant reports and financial statements and submitted to TDEC in support of the ORRCA scope as described in ORRCA's approved work plan and the Tennessee Oversight Interlocal Agreement. Members continued to meet with TDEC staff to review grant reimbursement requirements. Member jurisdictions remain concerned that previously eligible expenses are no longer being approved. The issue continues to be a source of concern and has not yet been resolved. Staff from member jurisdictions will continue to work with TDEC and DOE to resolve the problems for FY23, but a resolution may require an amendment to the state's agreements with DOE.
- (7) Members participated in local meetings regarding the reindustrialization of DOE property for new nuclear projects.

- (8) Members participated in meetings with the Nuclear Regulatory Commission and TDEC to become better educated about the federal/state regulatory framework.
- (9) Members continue to monitor DOE's decision-making process regarding storage of elemental mercury.
- (10) ORRCA members participated in DOE's annual Intergovernmental Meeting, which was held November 29-December 1, 2022 in New Orleans.
- (11) Members reviewed DOE and TEMA proposed public documents and revised sector maps for emergency response exercises.
- (12) Member staff participated in a meeting of the DOE Environmental Management Advisory Board, the Federal Advisory Committee Act (FACA)-chartered organization that helps stakeholders better engage in the work of DOE's EM program.
- (13) Staff from member jurisdictions continued to meet to collaborate on public education and outreach activities.
- (14) Members continue to review and monitor final plans for the remainder of K-25 interpretation pursuant to the National Historic Preservation Act. The Oak Ridge City Council adopted the revised Memorandum of Agreement (MOA) that finalizes the commitments at their June 2021 business meeting; DOE finalized the MOA in August 2021.
- (15) Members participated in meetings with DOE, Energy Communities, and intergovernmental groups on topics that impact DOE's programs in Oak Ridge.
- (16) Members reviewed progress and issues related to the State's monitoring of DOE activities, including environmental sampling and progress toward resolving disputes and achieving Federal Facilities Agreement milestones.
- (17) Member jurisdictions continued to monitor DOE's proposed interpretation of the high-level radioactive waste definition. This issue could have implications for waste disposal across the DOE complex.
- (18) Members participated emergency response planning activities related to the Oak Ridge Reservation, including work toward updating disaster recovery plans and annual emergency response exercise.

**Five Year Work Plan for the Oak Ridge Reservation Communities Alliance (ORRCA)
Federal Facility Agreement
July 1, 2023 thru June 30, 2028**

Introduction:

The Tennessee Oversight Agreement was established between the State of Tennessee (State) and the U.S. Department of Energy (DOE) in May 1991 to assure the citizens of Tennessee that their health, safety, and environment are being protected by DOE. A provision of the agreement required local government and community involvement to enhance local officials' and the public's understanding of issues involving the Oak Ridge Reservation (ORR).

In 2011, the Tennessee Oversight Agreement was renewed for the period of July 1, 2011 through June 30, 2016. A five-year interlocal agreement was executed in 2011 by the Mayors and County Executives of Anderson, Knox, Loudon, Meigs, Morgan, Rhea, Roane Counties, and the City of Oak Ridge for the purpose of implementing the local government provisions of the Tennessee Oversight Agreement. The agreement was subsequently renewed and the members jurisdictions are referred to as the Oak Ridge Reservation Communities Alliance (ORRCA). The City of Oak Ridge was designated in 2012 to serve as the fiscal agent for ORRCA.

In December 2017, the DOE Oak Ridge Office of Environmental Management (OREM) and the Tennessee Department of Environment and Conservation (TDEC) executed a five-year (5 year) Memorandum of Agreement (MOA) regarding the recovery of expenses as described in the Federal Facilities Agreement (FFA) Section XXXV. The MOA addresses recovery of expenses by TDEC for costs specifically related to the implementation of the FFA. The MOA specifies stakeholder and public information liaison with "the Oak Ridge Reservation Communities Alliance, hosting public information sessions, and responding to the local governments' and community's concerns, specific to FFA and Environmental Management activities."

ORRCA's grant with the Tennessee Department of Environment and Conservation expires on June 30, 2023. A new five-year work plan for the grant period July 1, 2023 through June 30, 2028 is described below. For the purposes of this work plan, the term DOE shall include the National Nuclear Security Administration (NNSA). For the purposes of this work plan, the term DOE shall include the National Nuclear Security Administration (NNSA).

Scope of Services:

1. The Grantee shall support implementation of the Federal Facilities Agreement (FFA)

At the U.S. Department of Energy's (DOE) annual Intergovernmental Meeting held in November 2018, a discussion was held among ORRCA, DOE and the State of Tennessee representatives to identify priorities for clean-up of the Oak Ridge Reservation. The parties agreed that ORRCA would continue to serve as a key interface for ongoing collaboration on cleanup matters.

As this interface continues, ORRCA will serve as liaison to TDEC for the purposes of responding to local governments' and community's concerns, specific to FFA and Environmental Management activities.

The TDEC work plan and the Federal Facility Agreement Milestones Appendix E will serve as a guide for specific environmental management scope and deadlines.

2. The Grantee shall promote local government involvement and public awareness, and community engagement in the Oak Ridge Reservation (ORR) environmental restoration process.

ORCCA will continue to collaborate among the regional local governments to promote better understanding of the cleanup of the Oak Ridge Reservation facilities, including the environmental management program. Participation with DOE, EPA, and TDEC officials in meetings, such as those listed in this plan as “Upcoming Meetings of Interest,” will be instrumental in educating local officials in support of the grant scope.

Emphasis will be placed on:

- Engagement on the balance of East Tennessee Technology Park cleanup, including priority actions related to the proposed Oak Ridge Airport.
- Public education and outreach to dispel negative environmental perceptions about Oak Ridge, and to communicate opportunities for reindustrialization, workforce and economic development, and recreation in the Oak Ridge Corridor.
- Improving local officials’ and the public’s understanding of regulatory waivers and the cost/benefit of this approach for the cleanup of the ORR
- Site characterization and the development of Waste Acceptance Criteria (WAC) for waste disposal, particularly related to mercury-contaminated materials.
- Improving local officials’ and the public’s understanding of DOE’s policy of integrating NEPA values into CERCLA, and associated costs/benefits
- Enhancing communication with DOE, EPA, and TDEC regarding local priorities and concerns related to Environmental Management Projects, Priorities and Budgets
- Improving understanding of Federal Facility Agreement (FFA) process and milestones
- Engaging in Environmental Management activities related to compliance with the National Historic Preservation Act and the Manhattan Project National Historical Park

3. The Grantee shall disseminate accurate and information concerning present or proposed activities related to continued operations of the Oak Ridge Reservation facilities.

Emphasis will be placed on:

- Disseminating current information about the reindustrialization program at the East Tennessee Technology Park, including the availability of property for beneficial reuse
- Continuing to improve public education through dissemination of current and information on ORRCA’s website
- Continuing to enhance public education about the quality of the natural environment in Oak Ridge and host counties through a coordinated communication program
- Continuing to educate local officials and other stakeholders from other DOE sites about environmental management of ORR facilities and activities, including participation in the Energy Communities Alliance.

4. The Grantee shall identify local concerns and issues relevant to the environmental management of the Oak Ridge Reservation and environs and present concerns to the State of Tennessee and the Department of Energy during the selection of annual work and budget priorities.

ORCCA will continue to engage with the State and DOE to improve understanding of local government and community concerns.

Emphasis will be placed on:

- CERCLA's Natural Resources Damages Assessment study and mitigation for the ORR
- DOE's Strategic Plan for Mercury, including source reduction, treatment, storage and promotion of off-site disposal of mercury contaminated waste and soils
- Continued emphasis on reducing/mitigating/eliminating off-site impacts, particularly groundwater issues
- Continued emphasis on costs/benefits of on-site versus off-site disposal
- Modernization of water and wastewater infrastructure needed to support the ongoing DOE missions on the Oak Ridge Reservation
- Participation in the ongoing reindustrialization of ETTP
- Schedule for shipments to the WIPP facility in New Mexico
- Expediting studies related to treatment and reduction of mercury
- Risk Communication, including signage and other public communications
- Environmental Management activities that will help facilitate and expedite interpretation of historic properties
- Transfer of excess/underutilized property for economic and community development

5. The Grantee shall prepare special studies and reports, as needed, to educate local officials and further public information.

Emphasis will be placed on:

- Review and assessment of projects related to the cleanup of the Oak Ridge Reservation and related offsite activities such as restoration of groundwater and fish
- Providing a local government mechanism for input into DOE's budgetary and programmatic priorities
- Continue to provide input into how financial performance bonds are assessed on companies which store and treat DOE waste
- Legislative, Regulatory, and Administrative activities at the Federal and State levels related to the storage, transportation and permanent disposal of nuclear waste

6. Training

ORRCA members' personnel are required to complete state specific training annually to familiarize themselves with CERCLA and the ORR-wide cleanup efforts as well as certifications to perform their work. Staff will pursue professional and technical training as needed to maintain the skills and knowledge required to fulfill the responsibilities of the ORRCA work plan.

7. Meetings of Interest that Support ORRCA's Mission:

- a. **Oak Ridge Site Specific Advisory Board Meetings**
- b. **Manhattan Project National Historical Park Cities' Meetings**
- c. **Annual National Cleanup Workshop**
- d. **Annual DOE Intergovernmental Meeting**
- e. **Waste Management Symposium (WMS)**
- f. **New Nuclear Initiative Forums that support Reindustrialization of DOE sites**

**Five Year Work Plan for the Oak Ridge Reservation Communities Alliance (ORRCA)
Environmental Surveillance and Oversight Agreement (ESOA)
July 1, 2023 thru June 30, 2028**

Introduction:

The Tennessee Oversight Agreement was established between the State of Tennessee (State) and the U.S. Department of Energy (DOE) in May 1991 to assure the citizens of Tennessee that their health, safety, and environment are being protected by DOE. A provision of the agreement required local government and community involvement to enhance local officials' and the public's understanding of issues involving the Oak Ridge Reservation (ORR).

In 2011, the Tennessee Oversight Agreement was renewed for the period of July 1, 2011 through June 30, 2016. A five-year interlocal agreement was executed in 2011 by the Mayors and County Executives of Anderson, Knox, Loudon, Meigs, Morgan, Rhea, Roane Counties, and the City of Oak Ridge for the purpose of implementing the local government provisions of the Tennessee Oversight Agreement. The agreement was subsequently renewed and the members jurisdictions are referred to as the Oak Ridge Reservation Communities Alliance (ORRCA). The City of Oak Ridge was designated in 2012 to serve as the fiscal agent for ORRCA.

In November 2018, the U.S Department of Energy (DOE), the National Nuclear Security Administration (NNSA) and the State of Tennessee (State) signed a new five-year (5) agreement entitled the Oak Ridge Reservation (ORR) Environmental Surveillance Oversight Agreement (ESOA). Through a program of independent environmental surveillance oversight and monitoring, the ESOA is "designed to assure the citizens of Tennessee that DOE's activities in Oak Ridge, Tennessee, are being performed in a manner that is protective of their health, safety, and environment."

In carrying out the ESOA Agreement, "the Parties will fully cooperate and coordinate with each other, other federal and State agencies and local governments affected by this Agreement. The Parties to this Agreement shall commit to maintaining a direct and open relationship with local governments, such as engagement with the Oak Ridge Reservation Communities Alliance (ORRCA)."

ORRCA's grant with the Tennessee Department of Environment and Conservation expires on June 30, 2023. A new five-year work plan for the grant period July 1, 2023 through June 30, 2028 is described below. For the purposes of this work plan, the term DOE shall include the National Nuclear Security Administration (NNSA).

Scope of Services:

1. The Grantee shall support implementation of the Environmental Surveillance Oversight Interlocal Agreement (ESOIA)

The ESOIA was approved on June 24, 2019 and will serve as the framework for the operation of ORRCA. ORRCA will conduct outreach and educational activities to the public and potentially affected local governments in to help assure the citizens of the affected local government that the U.S. Department of Energy's (DOE) activities are being performed in a manner that is protective of their health, safety, and environment. For the purposes of this work plan, the term DOE shall include the National Nuclear Security Administration (NNSA).

At the U.S. Department of Energy's (DOE) annual Intergovernmental Meeting held in November 2018, a discussion was held among ORRCA, DOE and the State of Tennessee representatives to

identify priorities affecting ongoing operations at the Oak Ridge Reservation. The parties agreed that ORRCA would continue to serve as a key interface for ongoing collaboration on environmental surveillance oversight and, monitoring, reuse, and emergency planning/response issues.

The State's annual environmental monitoring reports, along with the DOE Environmental Monitoring Plan (EMP), and the Annual Site Environmental Report (ASER) will serve as guiding documents.

During the grant period, emphasis will be placed on discussions to better align local government and community needs with the DOE/State program.

2. The Grantee shall promote local government involvement and public awareness in the continued operations of the Oak Ridge Reservation facilities.

ORCCA will continue to collaborate among the regional local governments to promote better understanding of the continued operations of the Oak Ridge Reservation facilities. Participation with DOE, EPA, and TDEC officials in meetings, such as those listed in this plan as "Upcoming Meetings of Interest," will be instrumental in educating local officials in support of the grant scope.

Emphasis will be placed on:

- Enhancing communication with DOE, EPA, and TDEC regarding local priorities and concerns related to Environmental Monitoring Priorities and Budgets
- Improving understanding of how environmental monitoring is conducted on the ORR
- Participating in Emergency Response Planning and Training related to the ORR, such as training for post emergency environmental monitoring
- Continuing to enhance understanding of the relative risk associated with the ORR to improve off-site emergency planning and response
- Integrating ORR emergency response and planning into comprehensive disaster recovery plans of member jurisdictions
- Engaging in Environmental Management activities related to compliance with the National Historic Preservation Act and the Manhattan Project National Historical Park

3. The Grantee shall disseminate accurate and information concerning present or proposed activities related to continued operations of the Oak Ridge Reservation facilities.

Emphasis will be placed on:

- Continuing to improve public education through dissemination of current and information on ORRCA's website
- Continuing to enhance public education about the quality of the natural environment in Oak Ridge and host counties through a coordinated communications program focusing on the Oak Ridge Corridor

- Continuing to educate local officials and other stakeholders from other DOE sites about ORR facilities and activities

4. The Grantee shall identify local concerns and issues relevant to the operation of the Oak Ridge Reservation and environs and present concerns to the State of Tennessee and the Department of Energy during the selection of annual work and budget priorities.

ORCCA will continue to engage with the State and DOE to improve understanding of local government and community concerns.

Emphasis will be placed on:

- DOE's Strategic Plan for Mercury, including source reduction and treatment, monitoring, and expediting studies related to treatment and reduction of mercury
- Continued emphasis on reducing/mitigating/eliminating off-site impacts, particularly groundwater issues
- Modernization of water and wastewater infrastructure needed to support the ongoing DOE missions on the Oak Ridge Reservation
- Participation in site planning to promote the ongoing reindustrialization of ETPP
- Transfer of excess/underutilized property for economic and community development

5. The Grantee shall prepare special studies and reports, as needed, to educate local officials and further public information.

Emphasis will be placed on:

- Review and assessment of monitoring and surveillance programs for all applicable media (i.e., air, surface water, soil, sediments, groundwater, precipitation, food crops, fish and wildlife, and biological systems)
- Providing a local government mechanism for input into DOE's budgetary and programmatic priorities

6. Federal, State, Local Government and Public Interaction

ORCCA serves as a key interface for ongoing collaboration on clean up, reuse, and planning and response issues. ORCCA collaborates among regional local governments to promote a better understanding of the continued operations of the ORR facilities, including the environmental management and emergency response programs.

In implementation of ESOA, ORCCA members will cooperate and coordinate with TDEC, DOE, other federal and state agencies, and other local governments. Activities will involve coordination with DOE and the public on both a local and national level, as well as participation in organizations such as the Energy Communities Alliance.

7. Environmental Response Actions

ORRCA members' personnel may request surveys and actions in support of public health advisories on East Fork Poplar Creek and other area reservoirs/rivers. ORRCA members' personnel, as required or requested, may support environmental response to accidental spills, releases, and emissions as reported by the DOE to the State and the Environmental Protection Agency (EPA). ORRCA members' personnel will participate in annual emergency preparedness training conducted in accordance with the Multi-Jurisdictional Response Plan for the DOE ORR. This will include participation in planning and training jointly with DOE, state agencies, local governments and emergency response personnel for situations arising from incidents that may occur on ORR sites. The ORRCA role includes support the recovery phase of operations and will include training to analyze field and post emergency environmental monitoring. Staff will be trained in planning environmental response operations, improving understanding of field monitoring, and communications.

8. Training

ORRCA members' staff will maintain the necessary programs, equipment, training, and procedures to conduct support ESOA activities in a safe manner.

9. Meetings of Interest that Support ORRCA's Mission:

- a. Oak Ridge Site Specific Advisory Board Meetings**
- b. Manhattan Project National Historical Park Cities' Meetings**
- c. Annual National Cleanup Workshop**
- d. Annual DOE Intergovernmental Meeting**
- e. Waste Management Symposium (WMS)**
- f. New Nuclear Initiative Forums that support Reindustrialization of DOE sites**