

Oak Ridge Reservation Communities Alliance (ORRCA) Meeting

AGENDA

Wednesday, December 13, 2023 at 2 PM

Location of Meeting: Tennessee Department of Environment and Conservation, Division of Remediation (DOR); 761 Emory Valley Road, Oak Ridge, TN

- I. **Welcome and Introductions** Chairman Terry Frank
- II. **Approval of Minutes from *July 18, 2023* Meeting - Draft Attached**
- III. **Quarterly Report – submitted by the City of Oak Ridge to TDEC. Motion requested to enter the report into the minutes.**
- IV. **Discussion concerning potential uses for remaining ORRCA Grant funds – requested by the City of Oak Ridge**
- V. **TDEC Letter re: FY 2024-FY 2028 FFA Grant DE-EM0005291 (see attached) – discussion of potential implications for the ORRCA grant**
- VI. **Old Business**
- VII. **New Business**
- VIII. **Discuss Proposed Dates for 2024 ORRCA Meetings**
- IX. **Other Discussion**
- X. **Adjournment**



November 27, 2023

NOTICE

TO: OAK RIDGE RESERVATION COMMUNITIES' ALLIANCE (ORRCA)

- Wade Creswell
- Terry Frank
- Warren Gooch
- Brian Langley
- Glenn Jacobs

RE: MEETING NOTIFICATION REMINDER

Just a reminder of the upcoming **ORRCA** (Oak Ridge Reservation Communities Alliance) meeting on **Wednesday, December 13, 2023, at 2:00 p.m.** at Tennessee Department of Environment and Conservation-Division of Remediation (TDEC), Oak Ridge (TDEC-DOR OR) 761 Emory Valley Road, Oak Ridge, TN 37830.

The meeting is open to the public.

**cc: media
ORRCA Board
ORRCA Committee
RCERB**

Oak Ridge Reservation Communities Alliance (ORRCA)

Minutes

Tuesday, July 18, 2023

2 p.m.

Tennessee Department of Environment and Conservation, DOR

761 Emory Valley Road, Oak Ridge, TN

Members Present: Councilwoman Ellen Smith (proxy for City of Oak Ridge Mayor Warren Gooch), Roane County Executive Wade Creswell, Anderson County Mayor Terry Frank

Others Present: (Sign-in Sheet attached)

Meeting was called to order at 2:05 p.m. by Mayor Frank.

Motion by Councilwoman Smith, second by Executive Creswell, to approve the June 5, 2023 minutes. Motion approved unanimously.

Discussion: Regarding the Notice of Funding Reduction for the Environmental Surveillance and Oversight Agreement grant, members discussed revising the associated work plan to align with what is approved by TDEC. Members noted the main goals should be public education and outreach, along with strategic planning to align for the safe transfer of properties for future public use and reindustrialization.

After a line-by-line review of the work plan and suggested modifications by members, there was a **motion** by Executive Creswell, second by Councilwoman Smith, to authorize the Anderson County Mayor to work with TDEC's Kristof Czartoryski to finalize the revised ESOA work plan and budget narrative, adding in \$25,000 proposed for strategic planning. Motion approved unanimously.

Discussion: It was noted that Federal Facility Agreement and ESOA contracts were extended through September 30, 2023. A new contract will be created for October 1, 2023 through June 30, 2024. Then, a five-year contract will be effective July 1, 2024.

It was also noted that quarterly reports and an annual report are required by the grant contract. And, Anderson County Government will become the fiscal agent for the ORRCA grants in October. A tentative meeting was mentioned for August 22, 2023, or Mayor Frank would poll members.

Adjournment: Being no further business to come before the board, the meeting was adjourned at 3:54 p.m.

ORRCA

Oak Ridge Reservation Communities Alliance

July 18, 2023

PLEASE SIGN IN:

Kendahl Moore	City of Oak Ridge	kmoore@oakridgetn.gov
Terry Fank	Anderson County	tfank@andersoncountyttn.gov
Ellen Smith	City of Oak Ridge	esmith@oakridgetn.gov
KRISTOF CZARTORYSKI	TDEC-DoR-OR	KRISTOF.CZARTORYSKI@TN.GOV
Roger Petrie	DOE	roger.petrie@oem.doe.gov
Tim Suter	Roane EMA	tim.suter@roanecountyttn.gov
Suzanne Sawisch	TDEC DoR-OR	Suzanne.Sawisch@TN.GOV
Dorey Collier	Roane OR	DoreyCollier@roanecountyttn.gov
Colby Morgan	TDEC	Colby.Morgan@TN.gov
Leann Tupper	Anderson Co.	ltupper@andersoncountyttn.gov

Oak Ridge Reservation Communities Alliance
FY 2024 Quarterly Report for the Period
July 1 thru September 30, 2023

Many activities in support of the ORRCA grant scope of work took place during this **first quarter** of the FY24 grant period.

Q1 Activities in Support of the Scope of Services:

- (1) During June and July staff participated in planning meetings for the annual meeting of the Manhattan Project National Historical Park (MAPR) communities. The meeting was held the week of August 14th in Los Alamos, NM. Representatives from the DOE, National Park Service, and each of the communities attended. Among the topics discussed is the importance of cleanup activities as they relate to park accessibility, visitation, and heritage tourism. The Oak Ridge Office of Science is in the process of hiring an employee who will focus on MAPR activities for DOE in Oak Ridge.
- (2) Staff met with DOE/contractor representatives at Oak Ridge Fire Station 4 to help facilitate pre-construction site activities for the Viewing Tower. The Viewing Tower is being constructed pursuant to DOE's Memorandum of Agreement (MOA) for compliance with the National Historic Preservation Act. The Oak Ridge City Council adopted the revised MOA which finalizes DOE's commitments at their June 2021 business meeting; DOE finalized the MOA in August 2021.
- (3) The City of Oak Ridge and Roane County participated in the FAA Public Meeting on the proposed Oak Ridge Airport on August 8th. The draft Environmental Assessment (EA) was released for comment. The meeting was advertised and well attended. The comment period has closed, and comments are under review. The proposed airport has been in planning stages for more than a decade and is a key element to DOE's efforts to complete reindustrialization of the East Tennessee Technology Park (ETTP).
- (4) Finalist candidates for the position of Oak Ridge City Manager participated in a series of meetings in Oak Ridge the week of August 14th. Representatives from each of the DOE/NNSA offices located in Oak Ridge met with the candidates to discuss the important federal mission work performed here. The Oak Ridge City Council selected Mr. Randall Hemann as City Manager, with his tenure to begin on November 1st.

- (5) Several members participated in the DOE National Cleanup Workshop held the week of September 11th in Washington, DC.
- (6) Staff participated in a series of meetings with DOE, TDEC, and contractors to discuss various aspects of the reindustrialization of the ETTP. Topics included the proposed Oak Ridge Airport, transition of infrastructure, and legacy management issues such as groundwater. The dissolution of the Community Reuse Organization of East Tennessee was announced.
- (7) ORRCA Member staff participated in the DOE Exercise debriefing on for the June exercise.
- (8) The City of Oak Ridge was asked by TDEC to extend the ORRCA grant term. The Oak Ridge City Council approved an amendment to extend the grant contract with TDEC through 12/31/23.
- (9) City staff remained in communication with the Anderson County Mayor and staff to offer assistance as Anderson County begins the transition as the Fiscal Agent for ORRCA's next five-year grant.
- (10) Staff participated in meetings of the DOE Environmental Management Advisory Board (EMAB) to discuss the use of research and development in the DOE EM program. An R&D roadmap is being developed at Hanford that could serve as a model for funding at other sites.
- (11) 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 2022 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.
- (12) Members met with various DOE officials to discuss environmental management issues.
- (13) Members met with Los Alamos and Hanford officials to plan a joint meeting with DOE and the National Park Service on the Manhattan Project National Historical Park.

- (14) Members prepared the fourth quarter grant reports and financial statements and submitted them to TDEC in support of the ORRCA scope as described in ORRCA's approved work plan and the Tennessee Oversight Interlocal Agreement.
- (15) Members participated in local meetings regarding the reindustrialization of DOE property for new nuclear projects.
- (16) Members participated in educational meetings with the Nuclear Regulatory Commission and TDEC to become better educated about the federal/state regulatory framework.
- (17) ORRCA members participated in planning meetings for DOE's annual Intergovernmental Meeting, to be held in Minneapolis in November.
- (18) Staff from member jurisdictions continued to meet to collaborate on public education and outreach activities.
- (19) Members participated in meetings with DOE, Energy Communities, and intergovernmental groups on topics that impact DOE's programs in Oak Ridge.
- (20) Members reviewed progress and issues related to the State's monitoring of DOE activities, including environmental sampling and progress toward achieving Federal Facilities Agreement milestones.



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Remediation
William R. Snodgrass TN Tower
312 Rosa L. Parks Avenue, 14th Floor
Nashville, Tennessee 37243

December 11, 2023

Ms. Erin Sutton
Oak Ridge Office of Environmental Management
U.S. Department of Energy
Post Office Box 2001
Oak Ridge, Tennessee 37831

RE: FY2024-FY2028 TDEC FFA Grant DE-EM0005291

Dear Ms. Sutton

This letter responds to your December 5, 2023, call and email to Chris Thompson regarding the application for the TDEC FFA Grant DE-EM0005291. In that email, you requested TDEC provide a revised Form SF-424A with a reduced budget from that submitted by TDEC on October 9, 2023, for the remaining portion of FY24. Specifically, you directed TDEC to reduce its request from \$3,535,250 to \$3,333,333.

In July 2023, DOE-EM and TDEC agreed upon a \$5M grant for TDEC's FY24 funding, noting the possibility of additional funding through budget change requests. However, DOE extended the FY23 contract for four additional months, through October 2023. DOE assumed an equal rate of spending each month, constraining the eight-month FY24 grant to \$3,333,333. This is not realistic as TDEC's expenses are not equivalent each month. For example, the majority of TDEC sampling is scheduled for Spring 2024. Therefore, a disproportionate amount of funding is expended later in the fiscal year. In addition, in January 2023 the State of Tennessee through its Department of Human Resources began a rollout of salary changes that also impacted TDEC's funding needs. This was reflected in the October 2023 submittal, which was required to address the FY23 extension. As a result, \$3,535,250 is anticipated to fulfill its FFA obligations.

Submitting a grant application or revising the Form SF-424A with a request of less funding than TDEC anticipates needing to fulfill its obligations would be providing inaccurate and incorrect information and would constitute a misrepresentation of assumed expenses. Accordingly, TDEC is not able to submit a certified Form SF-424A that is inconsistent with the true and correct amount needed to fulfill its FFA obligations. As you have not stated the expenses included in the FY24 work scope are inconsistent with the National Contingency Plan (NCP), TDEC intends to perform the work and will not provide a revised Form SF-424A. The State will accept the maximum amount DOE will award and reserve its right to pursue all options for cost recovery for the remainder of expenses. Nothing in this letter, nor any other communication between TDEC and DOE, should be construed as a waiver of any of TDEC's rights or remedies under



State or Federal law, or pursuant to any agreement between TDEC and DOE and TDEC expressly reserves all rights it has in law and equity.

Sincerely

A handwritten signature in blue ink, appearing to read "J. Sanders".

Steve Sanders
Director, Division of Remediation

ec: Jay Mullis
Greg Young
Kim Walling
Rebecca Biasiny
Payton Bradford
Emily Vann
Peter Murrey
Chris Thompson
ORRCA
ORSSAB