



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

March 28, 2024

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

Dear Mr. Petrie

**RE: DOE's Transmittal of the Federal Facility Agreement Proposed Appendix J**

The Tennessee Department of Environment and Conservation (TDEC), Division of Remediation-Oak Ridge Office (DoR-OR), has reviewed the above referenced submittal pursuant to the Federal Facility Agreement (FFA) for the Oak Ridge Reservation (ORR). The document was received on March 15, 2024.

The U.S. Department of Energy's (DOE) recent contract negotiations and the transition of the Environmental Management focus from East Tennessee Technology Park (ETTP) projects to the Oak Ridge National Laboratory (ORNL) / Y-12 National Security Complex (Y-12) scope have contributed to an adjustment to FFA milestones to better reflect work activities currently being discussed within the FFA project teams. DOE has informed TDEC that planned work within the first two years of the proposed Appendix J are more certain than future years due to ongoing negotiations of some contract task orders. Therefore, TDEC's review of the transmittal focused on those same two initial years of Appendix J. Regarding later years of Appendix J, TDEC acknowledges and agrees with the DOE statement within the transmittal letter stating that DOE "anticipates some outyear milestone rearrangements to take place after current contract negotiations for future cleanup work are completed". The FFA parties should make all necessary efforts to develop a complete Appendix J as soon as possible that represents complete FFA tri-party plans for cleanup on the ORR.

The following comments should be discussed, resolved, and reflected within the FFA to present a transparent plan for remediation moving forward:

1. The FFA parties must be committed to a complete update of the entire Appendix J as soon as possible. As noted in the DOE correspondence, TDEC expects tri-party discussions and progress with contract negotiations to allow finalization of a complete set of both Appendix E and J milestones.

2. The ETP Main Plant Area Final Record of Decision (ROD) project and associated milestones should be included in both Appendix E and J of the FFA. In addition to the project team's continued discussions to begin implementing this work in the upcoming year, the ETP Main Plant Area Final ROD project supports agreements made by the triparties when finalizing completed Covenant Deferral Requests (CDRs) at ETP. Appropriate project milestones associated with the Remedial Investigation/Feasibility Study (RI/FS) should be included in Appendices E and J to satisfy both past agreements and current plans for groundwater decision making within Zone 2. The FFA parties have previously discussed the importance of finalizing the RODs for ETP within the first two years of Appendix J.
3. All necessary Environmental Management Disposal Facility (EMDF) post-ROD milestones should be included within either Appendix E or Appendix J of the FFA. With frequent discussions to expedite opening of the new disposal facility, milestones should be developed to reflect submittals of a baseline groundwater and surface water characterization report, a report to include wastewater discharge limits, and plans for annual Phased Construction Completion Reports (PCCRs) to document completed activities such as early site prep and various phases of construction completion.
4. With the Environmental Management Waste Management Facility's (EMWMF) movement toward closure within the next several years, appropriate milestones should be included within the FFA appendices. For example, a work plan and associated Sample and Analysis Plan (SAP) should be milestones for the new bedrock wells to be installed along the western edge of the EMWMF footprint. Based on schedules presented by DOE, this activity is currently planned to be completed within the first two years of Appendix J.
5. The Y-12 Alpha 2 project needs to include a milestone to address the principal threat waste in the soils underneath the facility which will likely become saturated when the sump is temporarily turned off during building D&D. TDEC interests include preventing the release of mercury into groundwater and surface water from the mercury source underneath Alpha 2.
6. TDEC provided several comments to DOE on a recently proposed update of Appendix E. While TDEC requested milestones within Appendix E for several projects which DOE has been discussing with both TDEC and the U.S. Environmental Protection Agency, those comments could be relative to the first two years of Appendix J given the length of some projects. Therefore, the parties should discuss and reach agreement on near-term plans for all such project milestones. For example, the Y-12 site has recently added four tanks as Solid Waste Management Units (YS-220, YS-222, YS-223, and YS-224) to the FFA Appendix C and plans to remove them. Appropriate milestones should be generated for this work. In addition, DOE is proposing a PCCR milestone for Y-12 facilities 9616-09, 9811-06, and 9811-07 in Fiscal Year (FY) 2027. The project should have milestone associated work plans and waste handling plans to implement this project. Lastly, within the Y-12 10-year project work schedule provided during the February Y-12 Project Team Meeting, there is a list of 9 facilities (9416-14, 9803, 9976, 9811-03, 998-HF, 9622, 9404-20, 9422,23, Wash Rack, 9206) that are scheduled to be demolished in 2026. Appropriate milestones should be added to reflect the actual remediation plans being discussed.

7. The ORNL site is currently collecting data which is planned to be reported in the ORNL Bethel Valley Groundwater Phase I RI Report in FY 2028. A milestone is needed for this report.
8. Given the recent agreement of the FFA parties to submit annual Five-Year Reviews (5YR) for specific completed actions across the ORR, the proposed milestones should note the actual scope for the specific 5YR.

The FFA parties should discuss opportunities to update both Appendices E and J such that planned work is reflected in the FFA milestones and those milestones are representative of tri-party interests. TDEC plans to work with DOE to establish actual dates which are consistent with DOE's updated plans and schedules established from contract negotiations.

Questions or comments concerning the contents of this letter should be directed to Randy Young at (865) 310-1157.

Sincerely

**Randy Young**

Digitally signed by Randy  
Young  
Date: 2024.03.28 14:58:31  
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Randy C. Young  
FFA Manager  
Division of Remediation – Oak Ridge Office

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