



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

May 30, 2025

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

Department of Energy Oak Ridge Environmental Management Fiscal Year 2027 Budget Request

The Tennessee Department of Environment and Conservation (TDEC), Division of Remediation Oak Ridge Office (DoR-ORO) has identified the following priorities for inclusion with Oak Ridge Environmental Management's (OREM) Fiscal Year 2027 (FY27) budget request. TDEC appreciates the opportunity to offer input into the OREM FY27 budget request. This information is being shared in accordance with the Oak Ridge Reservation (ORR) Federal Facility Agreement (FFA) Section XXXVIII (Funding).

Outfall 200 Mercury Treatment Facility (OF200 MTF)

TDEC's interests include funding, construction, and the initiation of operation of the OF200 MTF at the Y-12 Security Complex (Y-12). The U.S. Department of Energy (DOE) has recently suggested proposing a several-year extension for the OF200 MTF completion due to lack of funds. As prescribed in the Amendment to the Record of Decision (ROD) for Phase I Interim Source Control Actions in Upper East Fork Poplar Creek (UEFPC), the completion of the OF200 MTF project is *critical* for beginning remediation within the West End Mercury Area (WEMA). Demolition of mercury-contaminated buildings and remediation of the building footprints are required to support the critical national security mission of the National Nuclear Security Administration (NNSA). Every possible effort should be made to fund/reinitiate this project and proceed toward completion before significant schedule impacts are realized.

Oak Ridge National Laboratory (ORNL) and Y-12 Remediation

Planning and initiation of remediation within Bethel Valley (BV) and Upper East Fork Poplar Creek (UEFPC) watersheds is apparent in the OREM FY27 budget request and is a priority TDEC supports. The demolition of contaminated buildings allows access to land at ORNL and Y-12 making it available for construction of new facilities to support the missions and modernization

efforts at both facilities. One of TDEC's priorities is to assure contaminated soils within the footprint of proposed facilities be remediated prior to construction of a new facility. As written and approved, the interim RODs at both ORNL¹ and Y-12² require soil remediation to be implemented as buildings are remediated and contaminated soil becomes "accessible". The proper sequencing of demolition, soil remediation, and new construction is necessary to assure that a remediation strategy is implemented at ORNL and Y-12 that allows beneficial reuse of the property, supports each site's mission, saves on overall costs, and cleans up the environment. It is not TDEC's preference to delay necessary soil remediation and construct new facilities over sources of contamination. Such an approach would allow contamination to continue spreading in the environment while greatly increasing both remediation schedules and associated costs.

East Tennessee Technology Park (ETTP)

Remediation of ETTP groundwater is a TDEC priority for OREM's FY27 budget request. General soil remediation at the ETTP site is nearly complete, but decisions remain for other source areas and media (i.e., groundwater, burial grounds, ash pile, surface water, and sediment). Recently, groundwater remediation at ETTP was initiated with the signing of two groundwater Records of Decision (RODs). Continuing this momentum by implementing recent ETTP groundwater decisions and developing remaining decisions is necessary to achieve final closure of ETTP. Based on information shared to date regarding the OREM FY2027 budget request, TDEC is unable to determine if OREM's commitment to ETTP groundwater remediation is in alignment with TDEC interests.

In addition, many areas of ETTP have been transferred to the public and are being planned for development within the multi-agency effort for a Nuclear Renaissance within Oak Ridge. Finalizing the remaining remediation decisions for these now public use areas is critical to assure continued protectiveness of new users of the property. DOE must ensure the response action assurances under approved ORR covenant deferral requests are satisfied, specifically including funding requests prescribed in 42 USC 9620 (h)(3)(C)(ii)(IV) which states "*... the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response action, subject to congressional authorizations and appropriations*".

Environmental Management Disposal Facility (EMDF)

Consistent with the ROD for the EMDF, TDEC places priority on actions to mitigate the presence of methylmercury in Bear Creek. As described in the EMDF ROD, reducing the current generation of methylmercury in Bear Creek is vital to supporting planned mercury remediation schedules within UEFPC as much of that waste is mercury contaminated and planned for disposal at the EMDF. Adequate funding should be requested to expeditiously satisfy this existing ROD commitment of the FFA parties.

¹ Record of Decision for Interim Actions in Bethel Valley ([DOE/OR/01-1862&D4](#))

² Record of Decision for Phase II Interim Remedial Actions for Contaminated Soils and Scrapyard in Upper East Fork Poplar Creek ([DOE/OR/01-2229&D3](#))

In addition, TDEC strongly suggests the FY27 budget request be capable of managing uncertainties from the results of the current groundwater study at the EMDF site. There is enough uncertainty associated with the predicted results of the study that DOE should ensure alternate designs are conceptualized and available to finalize if groundwater levels are different than those currently expected. The EMDF is a critical project to support ORR wide remediation, and the parties must attempt to avoid potential delays.

Application of Technology Development to Mercury Remediation Strategies

As DOE-EM has transitioned the remediation effort to the Y-12 facility, the challenges associated with mercury characterization, worker protection, remediation, and waste management are being realized. The FFA parties are evaluating both short and long-term technology needs to support more efficient mercury remedial actions throughout the Y-12 site. TDEC strongly supports the necessary funding for technology development to evaluate possible alternatives to manage the numerous mercury challenges being realized during the initiation of remedial actions at the site.

Consistent Funding to Support Required Workforce Availability

Many of the remedial actions planned for the FY27 budget year and beyond take place at either the Y-12 facility or ORNL. Both of those sites are active facilities with ongoing missions related to national security. Many remediation jobs require a unique workforce with some level of security clearance. As such, a most efficient remediation program will maintain a workforce which can transition from site to site without requiring the time and resources necessary for new background investigations and training. Therefore, TDEC supports a consistent funding model that minimizes the inefficiencies associated with significant variations in the number of available trained, cleared skilled workers.

Lastly, because of limitations regarding sharing of budget request information apparently being directed by the Office of Management and Budget (OMB) and followed by the OREM program, it seems impossible for TDEC to determine if or how its stated priorities would be affected by OMB target guidance³. Recently, Congress has consistently provided additional funding for actions above the OREM budget request. Though these additional activities are worthwhile and warranted, such a process of using what DOE OREM refers to as "plus up" funding circumvents the FFA process and interaction in establishing milestones and making funding requests in

³ [Federal Facility Agreement for the Oak Ridge Reservation](#) - Unlike briefings from several years ago, the information now being provided is so restricted as to discussion of the OMB target guidance and its impact that it is questionable whether the information and briefing provided is sufficient for compliance with the FFA Sec. XXXVIII. A: *DOE shall consult with EPA and TDEC in formulating its annual DOE-OR Environmental Management budget requests as set forth in this section. By February 15 of each year, DOE shall provide EPA and TDEC with information, including the Priority List, or a briefing on the proposed DOE-OR Environmental Management budget request, including appropriate supporting documents. In the process of formulating its annual budget request, DOE may be subject to target funding guidance directed by the Office of Management and Budget (OMB). The information or briefing will address the impacts of such OMB target funding guidance.*

consultation with the regulator agencies as parties to the FFA. TDEC can agree to many of these additional projects, while objecting to the "unilateral" nature of the process of selection of this work.

In absence of the necessary information being provided in the budget briefings to have meaningful discussions about scope of work and budget formulation for FY + 2 (2027) fiscal year, TDEC continues to state its broad priorities. The ORR FFA Sec. XXXVIII. B prescribes:

B. The parties shall attempt to reach agreement regarding work scope, priorities, schedules/milestones, and Program Baseline Summary (PBS) funding levels required to accomplish the purpose of the Agreement. These discussions shall be conducted before DOE-OR submits its annual budget request and supporting PBS to DOE-HQ. EPA and TDEC shall, to the extent practicable, identify in its comments to DOE whether additional or accelerated activities recommended by the EPA and/or TDEC are believed by the EPA or TDEC to be outside of target funding levels for the activities covered under this Agreement.

In accordance with Section XXXVIII, paragraph C of the ORR FFA, if the issues above cannot be resolved prior to the transmittal of DOE-OR's budget request to DOE-HQ, then TDEC's priorities should be forwarded by OREM along with the FY27 budget request. 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: 2025.05.30 11:35:18 -04'00'

Randy C. Young
FFA Project Manager
Division of Remediation - Oak Ridge Office

ec: Samantha Urquhart-Foster, EPA
Sam Scheffler - DOE
Joanna Hardin - DOE
Steve Clemons - DOE
Mark McIntosh - DOE
Tanya Salamacha - UCOR
Sid Garland - UCOR
ORSSAB
OREM Mailroom
Robert Wilkinson - TDEC
Eileen Marcillo - TDEC
Dana Casey - TDEC
Mohammad Banaei - DOE
Joceline Nahigian - DOE

xc: Wade Creswell - ORRCA
Amy Fitzgerald - ORRCA
Terry Frank - ORRCA
Warren Gooch - ORRCA

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