STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Remediation, Oak Ridge Office
761 Emory Valley Road
Oak Ridge, Tennessee 37830

RECEIVED
FEB 17 2026
COUNTY MAYOR'S OFFICE

February 13, 2026

Mr. Roger Petrie
Federal Facility Agreement Manager
U.S. Department of Energy
Oak Ridge Office of Environmental Management
Post Office Box 4067
Oak Ridge, TN 37831

Dear Mr. Petrie

RE: TDEC Comment Letter for Time-Critical Action Memorandum for the Phase I Removal Action at the White Wing Scrap Yard, Oak Ridge National Priorities List Site, Oak Ridge, Tennessee (DOE/OR/01-3015&D1)

The Tennessee Department of Environment and Conservation (TDEC), Division of Remediation-Oak Ridge Office (DoR-OR), received the U.S. Department of Energy (DOE) letter transmitting the above referenced document on December 22, 2025. On January 15, 2026, TDEC requested a 30-day extension for review and comment on the above-referenced document. With the extension request the response date was moved to February 23, 2026. The document has been reviewed pursuant to the Federal Facility Agreement (FFA) for the Oak Ridge Reservation (ORR).

The Time-Critical Action Memorandum (TCAM) describes the time-critical removal action (RmA) to address potentially contaminated soil and scrap present in the northern area of the White Wing Scrapyard (WWSY) immediately adjacent to the planned transfer parcel known as Self-Sufficiency Parcel 2 (SSP-2). This area is referred to in the TCAM as the Phase I area. TDEC understands that DOE will perform a second RmA that will cover the remaining WWSY site including the two tributaries. Although RmA do not require regulatory approval, TDEC has provided comments on the TCAM. TDEC requests DOE consider incorporating TDEC's comments into RmA efforts to facilitate successful reindustrialization of WWSY.

Review of this document meets the review cycle protocol of 30 days. Questions or comments concerning the contents of this letter should be directed to Eileen Marcillo at the above address or by phone at (865) 985-2397.

Sincerely

Eileen Marcillo Digitally signed by Eileen Marcillo
Date: 2026.02.12 15:16:42 -05'00'

Eileen Marcillo
FFA Project Manager
Division of Remediation – Oak Ridge Office

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General Comments

1. The regulation for removal actions reflects the CERCLA statute authorizing the use of removal actions at 40 CFR 300.415 by also requiring that a removal action "contribute to the efficient performance of any long term remedial action".[1] It is more efficient to excavate soil and scrap to remediate an area once rather than twice because the scope of the action was limited to addressing one pathway but not another, e.g. soils as a threat to groundwater. Not addressing a leaching source of contamination in soils would be inefficient given that groundwater would be subject to cleanup based on maximum contaminant level (MCLs) under both state and federal applicable or relevant and appropriate requirements (ARARs) and that the premise of a Monitored Natural Attenuation (MNA) presupposes "source control" prior to evaluating MNA as workable.[2] The TCAM does not include evaluating and remediating soil as a threat to groundwater. Impacts to groundwater have been documented within the WWSY and there may be a soil source that should be addressed in conjunction with soil clean-up for protection of human health. Omission of this source evaluation could result in additional characterization once the land has been transferred and potentially remediating the area twice. Please revise the document to address soil as a threat to groundwater.
2. The TCAM does not include collection of soil gas data or installation and sampling of groundwater monitoring wells within the Phase I area to support a vapor intrusion evaluation. Because soil actions will be completed under a RmA to facilitate an early property transfer, the vapor intrusion pathway must be evaluated to support the inclusion of protective deed restrictions per CERCLA Section 120(h)(3)(C)(ii)(I). Please include language explaining how the vapor intrusion pathway will be evaluated to support property transfer.
3. To facilitate the RmA DOE has performed significant tree clearing within the Phase I area. Please include a discussion of how the vegetation will be evaluated for radiological contamination and managed.
4. The phased WWSY RmA is being conducted to facilitate an early land transfer/lease for beneficial reuse. To ensure protectiveness, land use controls (LUCs) for protection of the industrial worker will need to be selected as part of the CERCLA remedy. Please explain why

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[1] 42 U.S. Code § 9604 - Response authorities

[2] OSWER Directive 9283.1-36, August 2015, Use of Monitored Natural Attenuation for Inorganic contaminants in Groundwater at Superfund Sites. MNA should not be used where such an approach would result in either plume migration or impacts to environmental resources that would be unacceptable to the overseeing regulatory authority. Therefore, sites where the contaminant plumes are no longer increasing in extent, or are shrinking, would be the most appropriate candidates for MNA remedies (EPA 1999c, page 18)

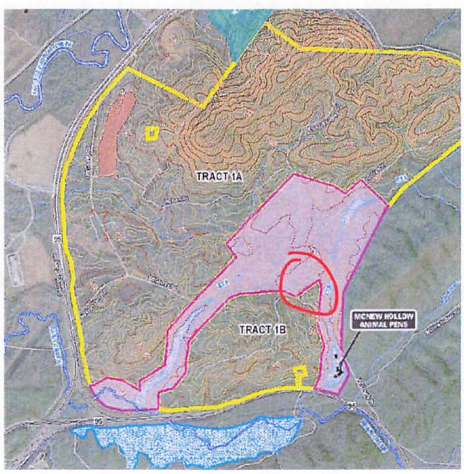
Control of contaminant sources also is an important aspect of the 1999 MNA guidance: Control of source materials is the most effective means of ensuring the timely attainment of remediation objectives. EPA, therefore, expects that source control measures will be evaluated for all contaminated sites and that source control measures will be taken at most sites where practicable. At many sites it will be appropriate to implement source control measures during the initial stages of site remediation ('phased remedial approach'), while collecting additional data to determine the most appropriate groundwater remedy. (EPA 1999c, page 22)

LUCs are not selected in this TCAM and clarify which CERCLA decision document will include the LUCs required to ensure protectiveness.

5. Using a time-critical removal action is permitted under the regulations and the FFA provided certain timing criteria are met. As stated, the threat here will only exist after the occurrence of the event of property transfer to create the risk pathway this time-critical removal action is proposed to address. So, it should be the proper approach to show the circumstance by which the property transfer will happen sooner than six months to justify this type of removal action and its expedited procedures. Please provide an estimate as to when the property transfer is expected to occur and show why this expected date necessitates using the authority for a time-critical removal action.

Specific Comments

1. **Page 2, Figure 2** – The WWSY area boundary in Figure 2 does not coincide with the WWSY boundary illustrated in Figure 1.3 of the Final for Regulator Concurrence *Addendum to Environmental Baseline Survey Report for Clean Parcel Determination for Self-Sufficiency Parcel 2* (DOE/OR/01-3009). Please confirm the boundary illustrated in Figure 2.



2. **Page 4, Section 3** – Revise this section to discuss the geophysical surveys conducted within the Phase I area.
3. **Page 5, Section 4, first paragraph** – Revise the last sentence to state the scope covers removing anomalous items/material *and soil* to ensure protection of human health *and the environment*.
4. **Page 6, Section 4, second paragraph, Page B-44, Section B.3.2, and Page B-45, Section B.3.3** – It is stated here that excavated anomalous items will be transported to "either an onsite waste disposal facility or approved offsite waste disposal facility (e.g. NNSS)" however the previous paragraph only specifies the Oak Ridge Reservation Landfill and the Nevada National Security Site as disposal pathway options. Does the language referring to an "approved onsite waste disposal facility" include Environmental Management Waste Management Facility (EMWMF) as a potential pathway for disposal and does DOE foresee

the need for an approved waste handling plan prior to commencing the work proposed in this TCAM?

5. **Page A-3, Section A.1, last paragraph** – Only four sample locations had soil samples collected to 10 feet below ground surface (bgs) which corresponds to the defined exposure depth for unrestricted industrial land use in the TCAM. Does DOE consider the limited number of soil samples to 10 feet bgs sufficient for concluding no risk to the industrial worker? TDEC recommends collecting additional soil samples to 10 feet bgs with these locations covering the entire Phase I area.
6. **Page A-6, Figure A.2** – The radiological walkover survey in the Phase I area resulted in unexpected elevated (e.g., 2x background) surface radioactivity. Please explain why the entire Phase I area was not upgraded to a 100% coverage walkover survey. Will a final status survey include a 100% coverage walkover survey?
7. **Page A-9, Section A.2, second paragraph and Page A-15, Figure A.4** – To address cumulative risk from all constituents it appears the excess lifetime cancer risk (ELCR) and hazard quotient (HQ) for all constituents are summed to provide a hazard index (HI) and total ELCR. It is unclear if cumulative risk will be evaluated as sample-specific or location-specific (summed over multiple soil sample intervals). Revise this section and Figure A.4 to clarify if the cumulative risk will be evaluated per sample or per location (multiple samples).
8. **Page A-10, Table A.1** – For clarity, revise the table to have sperate columns for the ELCR and the HI. Additionally, please confirm the PRGs or RSLs listed in the table are correct and that the proper units are being used (e.g. PCB-1016, 1,2,4-Trichlorobenzene, PFAS).
9. **Page A-15, Figure A.4** – Please revise the HI<1 to HI≤1.
10. **Page B-5, first row, DOE Order 458.1** – DOE Orders 458.1 dose limit is not considered sufficiently protective under CERCLA. Revise to include reference to EPA OSWER guidance 9200.4-40. The cleanup level under EPA guidance established in 1997 and then revised in 2014 would put total dose expressed as risk as no more than 12 mrem. See 42 USC 9620(a)(4) directs other federal agencies to use EPA guidance and restricts in subsection (a)(2) other federal agencies than EPA using their own guidance to differ from EPA's CERCLA guidance to make decisions on issues like cleanup level.
11. **Page B-45, Section B.3.4** – Please add the statement that *incidental water (e.g., rain water in excavations) will only be sent to permitted wastewater treatment plants or ORR CERCLA treatment units with waste acceptance criteria, discharge limits, or treatment processes that address the primary contaminants of concern and whose discharge will remain protective of the receiving waters.*
12. **Page B-5, Table B.1, second row** – There are small streams and tributaries to the nearby creeks in the Lower Clinch River watershed flowing through WWSY.

Tenn. Code Ann. sec. 69-3-103 contains the following definitions:
(49) "Wet weather conveyance" means, notwithstanding any other law or rule to the contrary, man-made or natural watercourses, including natural watercourses that have been modified by channelization:

- **(A)** That flow only in direct response to precipitation runoff in their immediate locality;
- **(B)** Whose channels are at all times above the groundwater table;
- **(C)** That are not suitable for drinking water supplies; and
- **(D)** In which hydrological and biological analyses indicate that, under normal weather conditions, due to naturally occurring ephemeral or low flow there is not sufficient water to support fish, or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months; and

(50) "Wetland" means:

(A) An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions; and

(B) A type of waters that are not wet weather conveyances, and generally include swamps, marshes, bogs, and similar areas;

Given the likely presence of wetlands in the area subject to this removal action and subsequent work in the larger WWSY, include the State regulations as ARARs regarding the process for evaluation and determination of the presence of wetlands.

13. **Page B-25, Table B.1, Endangered, threatened, or rare species** – To the extent in statute or promulgated rule, these requirements related to endangered species at state level should be **applicable**. These are listed as relevant and appropriate. As to protection at the federal level, revise to include citations, specifically 16 USC §1536 to address the obligation for consultation for a federal agency that needs to be satisfied.

> **(2)** Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.