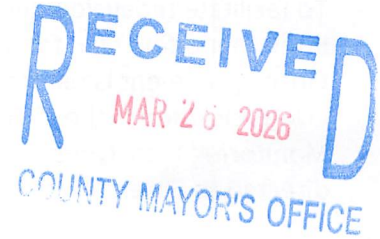




STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Remediation - Oak Ridge  
761 Emory Valley Road  
Oak Ridge, Tennessee 37830



March 24, 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

**Request for Information Pertaining to the Land Use Control Implementation Plan -  
Excavation/Penetration Permit Program**

The Tennessee Department of Environment and Conservation (TDEC) Division of Remediation, Oak Ridge Office (DoR-OR) requests additional information from the U.S. Department of Energy (DOE) regarding the Excavation/Penetration Permit Program (EPPP) that is being implemented as part of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) soil remediation decisions at the East Tennessee Technology Park (ETTP). The CERCLA soil cleanup decisions at ETTP were not designed to achieve unrestricted use/unlimited exposure (UU/UE). Consequently, numerous land use controls (LUCs), such as the EPPP, were selected as part of the remedy to limit exposure to remaining contamination. The proper implementation of these CERCLA LUCs is essential to ensure the remedies remain protective.

In accordance with the Land Use Control Assurance Plan (LUCAP), Land Use Control Implementation Plans (LUCIPs) must be developed, and these LUCIPs must contain specific details on how each LUC is implemented. An EPPP is critical for ensuring that excavation/penetration activities beyond the completed cleanup depth do not result in the spread of contamination or unacceptable exposure, thereby maintaining the protectiveness of the CERCLA soil remedies. This is especially important at ETTP where land has been transferred out of federal ownership back to the public for beneficial reuse.

In an effort to address TDEC's concerns and discuss revisions to the ETTP LUCIP, a tri-party working group was established. The working group last met July 14, 2025, and discussions on developing an implementation plan and revising the ETTP LUCIP for the EPPP have not resumed. With redevelopment activity at ETTP continuing to increase, TDEC strongly encourages the tri-parties resume working together to ensure the EPPP is an effective LUC.

TDEC appreciates the opportunity to briefly discuss this concern with DOE and the U.S. Environmental Protection Agency on March 4, 2026, and is encouraged by the progress DOE has made on the Site Reuse Support Program.

To facilitate redevelopment at ETPP in a protective manner, TDEC requests a draft implementation plan for the EPPP be provided to TDEC to facilitate regulatory review and input. Once agreement is reached, it is expected the implementation plan be incorporated into the LUCIP included in the ETPP Administrative Watershed Remedial Action Report Comprehensive Monitoring Plan. Questions or comments concerning the contents of this letter should be directed to Eileen Marcillo at [eileen.marcillo@tn.gov](mailto:eileen.marcillo@tn.gov) or by phone at (865) 985-2397.

Sincerely



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

ec: Joanna Hardin, DOE  
Mark McIntosh, DOE  
Erik Olds, DOE  
Sam Scheffler, DOE  
Cathy Amoroso, EPA  
Jana Dawson, EPA  
Tanya Salamacha, UCOR  
Sid Garland, UCOR  
OREM Mailroom  
ORSSAB

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

COPY