



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Land Protection – Remediation Section
Oak Ridge Environmental Field Office
761 Emory Valley Road, Oak Ridge, Tennessee 37830

April 9, 2026

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

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COUNTY MAYOR'S OFFICE

Dear Mr. Petrie

The Tennessee Department of Environment and Conservation (TDEC) Division of Land Protection – Remediation Section, Oak Ridge Office (DLP-OR) is transmitting this letter to communicate TDEC's priorities for mercury remediation at the Y-12 National Security Complex (Y-12). The U.S. Department of Energy (DOE) has informed TDEC and the U.S. Environmental Protection Agency (EPA) that the Outfall 200 (OF200) Mercury Treatment Facility (MTF) has been paused indefinitely due to cost overruns and delays. Due to these significant delays, DOE requested a several-year milestone extension for the OF200 MTF Phased Construction Completion Report (PCCR), which both EPA and TDEC subsequently denied. DOE has invoked informal dispute and is currently evaluating numerous technologies/remediation alternatives to address mercury in Upper East Fork Poplar Creek (UEFPC), one of which includes completion of the OF200 MTF.

TDEC recognizes the importance of the OF200 MTF to address mercury contamination in UEFPC which continues to exit Y-12 into the City of Oak Ridge and surrounding community. DOE has initiated discussions with TDEC and EPA to evaluate the various mercury treatment technologies/remediation alternatives DOE has identified which could be used in lieu of constructing the OF200 MTF. TDEC is engaging in dialogue about alternatives in good faith as part of informal dispute resolution. While TDEC is willing to discuss these various alternatives, any proposal to replace OF200 MTF as specified in the *Amendment to the Record of Decision for Phase I Interim Source Control Actions in the Upper East Fork Poplar Creek Characterization Area, Oak Ridge, Tennessee: Water Treatment at Outfall 200 (DOE/OR/01-2697&D2)* would need to be substantial. Any such proposal should address TDEC's priorities as set forth here.

TDEC's priorities as it relates to mercury at Y-12 include the following:

- **Mercury source removal/source control to reduce mercury exiting Y-12 into the City of Oak Ridge** – Identification and source removal/control of mercury sources to accelerate restoration of UEFPC to the interim surface water goal of 200 parts per trillion (ppt) at Station 17 as specified in the Phase I Interim Record of Decision (IROD) for UEFPC (DOE/OR/01-1951&D3). Achieving this interim goal will set the stage for further actions to address methylmercury in fish tissue to reach compliance in a final ROD. In the absence of the OF200 MTF as a major step toward this goal, TDEC considers source removal to be more permanent than source control.

- **Mercury source removal/source control prior to initiating remediation work in the West End Mercury Area (WEMA)** – Ongoing and planned activities within the WEMA to support both Y-12 mission needs and future CERCLA remedial actions will increase the potential to mobilize additional mercury into UEFPC. As stated in the Phase I IROD Amendment, the OF200 MTF was to provide additional protection from increased mercury releases during future demolition actions at the major mercury process buildings in WEMA and remediation of underlying soils. The OF200 MTF was to be operational before WEMA demolition was initiated. Source removal/source control within areas “upstream” of OF200 are necessary to achieve the interim surface water goal at Station 17 and to allow for completion of remediation in WEMA.
- **Address principal threat waste** –The Phase I IROD identified the residual mercury in the stormwater collection system, in soil beneath and adjacent to the primary mercury use areas, and in sediment in UEFPC as principal threat waste. These principal threat wastes must be addressed in accordance with the NCP [40 CFR 300.430(a)(1)(iii)(A)].
- **Sequencing CERCLA soil clean-up and Y-12 modernization** – As soils become accessible, remediation of soils for the protection of human health, surface water, and groundwater must be completed prior to redevelopment as committed to in the Phase II IROD (DOE/OR/01-2229&D3). Although there are limitations to the Phase II IROD that make preparation of sites for construction problematic, there can be scope added to clear building footprints for site excavation and support the National Nuclear Security Administration (NNSA) mission and Y-12 modernization. New buildings should not be constructed over accessible areas of contamination that can be removed or remediated.
- **Prioritizing and establishing milestones for soil and source control actions** – As specified in Section XVIII of the Federal Facility Agreement (FFA), DOE should prioritize and establish milestones in Appendix E and J for approved CERCLA decisions such as the Phase I and Phase II IRODs for UEFPC. These activities should include but are not limited to the following:
 - Pre-design characterization and remediation of soils that are accessible.
 - Pre-design characterization and remediation of soils as they become accessible (e.g., Beta-1).
 - Implementing mercury source removal/source control activities to progress towards achieving 200 ppt at Station 17.
 - Addressing mercury sources that are considered principal threat waste.

TDEC looks forward to the continued collaboration with DOE to resolve the informal dispute and allow CERCLA cleanup to continue while supporting NNSA’s mission and Y-12 modernization efforts. Questions or comments concerning the contents of this letter should be directed to Eileen Marcillo at eileen.marcillo@tn.gov or by phone at (865) 985-2397.

Sincerely

Eileen Marcillo Digitally signed by Eileen Marcillo
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