



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

June 22, 2026

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

RECEIVED
JUN 24 2026
COUNTY MAYOR'S OFFICE

RE: Notice of Noncompliance for Discharges to UEFPC from the OF200 MTF Headworks Dewatering

Dear Mr. Petrie

The Tennessee Department of Environment and Conservation (TDEC), Division of Land Protection, Oak Ridge Office, pursuant to the Federal Facility Agreement (FFA) for the Oak Ridge Reservation, is notifying you of noncompliance with the Applicable or Relevant and Appropriate Requirements (ARAR) 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). Under the FFA, this non-compliance with an ARAR as described below constitutes a failure “to comply with a term or condition of this Agreement which relates to an operable unit or final remedial action,” and this letter constitutes notice of the failure, which may lead to the additional step of assessment of stipulated penalties, see FFA Sec. XLIV.A. and B.

During construction of the Outfall 200 (OF200) Mercury Treatment Facility (MTF), dewatering of the headworks occurred. Consistent with the Remedial Design Report/Remedial Action Work Plan water was treated using a temporary water treatment system and monitored prior to discharging into Upper East Fork Poplar Creek (UEFPC). The U.S. Department of Energy (DOE) has now indefinitely paused construction of the OF200 MTF, however, dewatering of the headworks is still ongoing. During an August 2025 OF200 MTF site visit, TDEC observed the resulting discharge was no longer being routed through a water treatment system and was instead directly discharging to UEFPC. Based on follow-on conversations with DOE, TDEC was informed that the water treatment system was removed during the transition phase of the OF200 MTF project to UCOR in November 2023. DOE previously provided sampling data for this discharge between August 2021 through September 2023, which covers the period when the water was diverted through a water treatment system. Over the last 10 months, TDEC has requested that monitoring of the discharge resume to confirm that ARARs are met prior to discharge. As of the date of this letter, monitoring has not resumed.

DOE should implement a monitoring program to confirm that this discharge is occurring in compliance with the ARARs which includes Tenn. Comp. R. & Regs. 0400-40-03-.03, the State's water quality standards. The timely implementation and results of this monitoring program will be used for determining any further action.

Questions or comments concerning the contents of this letter should be directed to Cody Juneau at cody.juneau@tn.gov or by phone at (865) 314-2328.

Sincerely

Eileen Marcillo

Digitally signed by Eileen
Marcillo
Date: 2026.06.18 16:09:45
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Eileen Marcillo
FFA Project Manager
Division of Land Protection – Remediation Branch
Oak Ridge Office

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