



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

October 15, 2009

Mr. John Eschenberg
Assistant Manager for Environmental Management
DOE-Oak Ridge Operations
P.O. Box 2001, EM-90
Oak Ridge, TN 37831

Dear Mr. Eschenberg:

Recommendation 181: Recommendation on the Fact Sheet for the Explanation of Significant Differences for the Record of Decision for Disposal of Comprehensive Response, Compensation and Liability Act of 1980 Waste, Oak Ridge, Tennessee

At our October 14, 2009, meeting the Oak Ridge Site Specific Advisory Board (ORSSAB) approved the enclosed comments and recommendations regarding the Fact Sheet for the Explanation of Significant Differences for the Record of Decision for Disposal of Comprehensive Response, Compensation and Liability Act of 1980 Waste, Oak Ridge, Tennessee.

ORSSAB made several comments related to format and style of the fact sheet.

ORSSAB also believes that paragraph 5 under the Description of Proposed Action could be deleted to avoid confusing the public.

The board believes the line drawing accompanying the fact sheet is of little use and should include a legend and be placed on a separate page.

Finally, ORSSAB recommends that DOE take this opportunity in developing the explanation of significant differences to explain clearly that the proper name of the waste disposal facility in Bear Creek Valley is the Environmental Management Waste Management Facility. That name is not used anywhere in the record of decision that establishes the facility. While of little consequence today, no reference of the name in the original record of decision could cause problems many years in the future if someone is looking for information about the facility.

We appreciate your consideration of these comments/recommendations and look forward to receiving your response by December 14, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Murphree".

Ron Murphree, Chair, CE, CPE
rm/rsg
Enclosure

cc/enc:

Dave Adler, DOE-ORO
Cate Brennan, DOE-HQ
Fred Butterfield, DOE-HQ
Jason Darby, DOE-ORO
Mike Farmer, Roane County Mayor
Pat Halsey, DOE-ORO

Connie Jones, EPA Region 4
Rex Lynch, Anderson County Mayor
James O'Connor, Oak Ridge City Manager
Melissa Nielson, DOE-HQ
John Owsley, TDEC



Oak Ridge Site Specific Advisory Board Recommendation 181: Recommendation on the Fact Sheet for the Explanation of Significant Differences for the Record of Decision for Disposal of Comprehensive Response, Compensation and Liability Act of 1980 Waste, Oak Ridge, Tennessee

BACKGROUND

Under the Comprehensive Response, Compensation, and Liability Act of 1980 (CERCLA) Sect. 117(c), the Department of Energy (DOE) is required to publish an Explanation of Significant Differences (ESD) when there is a significant change to a component of a remedy specified in a Record of Decision (ROD).

In May 2001, DOE published a notice that the *ESD from the Remedy in the ROD for Disposal of Oak Ridge Reservation CERCLA Waste* (DOE/OR/01-1905&D2) had been approved by the parties to the Federal Facility Agreement and was available for the public.

At that time, it came to the attention of the Oak Ridge Site Specific Advisory Board (ORSSAB) that most stakeholders were totally unaware of this change as it was being discussed and developed. ORSSAB believed that any change to a ROD sufficient to warrant an ESD is also sufficient to warrant reasonable public notification and information. To this end, the Board recommended in October 2001 that DOE take the following actions for all future ESDs:

- Seek early public input on potential issues for which an ESD or ROD amendment may become required.
- Provide broad public notification of the intent to prepare an ESD at the earliest possible date so that public issues and concerns can be considered in the preparation of the ESD. This notification should, at a minimum, include a general notice and specific notification to all stakeholder groups who monitor DOE issues on a regular basis.
- Develop a fact sheet that clearly explains the rationale behind the ESD and the potential impacts on the original decision.
- Provide an opportunity for stakeholders to provide input to the ESD process.

In May 2002, DOE agreed to institute a process that supported the recommendations the ORSSAB proposed for future ESDs. The standard procedure proposed by DOE included provisions for ORSSAB to review subsequent ESD fact sheets to ensure that they would be easily understood by the public without having to obtain a copy of the ROD to understand the change being proposed. Also included in this process was public notification of the ESD fact sheet.

DISCUSSION

In September 2009, DOE Oak Ridge Environmental Management (DOE-EM) provided a draft fact sheet to the ORSSAB EM Committee to review (Attachment 1). The fact sheet describes an ESD to modify the ROD for the Disposal of Oak Ridge Reservation CERCLA Waste to authorize the construction of a new

waste disposal cell at the existing landfill in Bear Creek Valley, commonly known as the Environmental Management Waste Management Facility (EMWMF).

The proposed action under the ESD described in the fact sheet is to expand EMWMF to an additional Cell 6, which would bring total capacity of the landfill to 2.2 million cubic yards.

Following are comments and recommendations provided by members of the ORSSAB EM Committee regarding the fact sheet for the ESD.

COMMENTS/RECOMMENDATIONS

The purpose of the fact sheet is to describe the rationale for expanding the EMWMF to 2.2 million cubic yards by building an additional Cell 6 at the current site.

Comments:

1. In Background section paragraph 3, change *ORR* Information Center to *DOE* Information Center.
2. Same paragraph, next sentence, insert a paragraph return so the last sentence is a stand-alone paragraph. Consider bolding or italicizing to add emphasis to the purpose of the ESD.
3. Under the Description of Proposed Action section, paragraph 1, the word '*final*' is used for the construction of Cell 6. A Cell 7 was considered in the Engineering Evaluation, so there could be a possibility, however remote, to build a seventh cell in the future. Consider changing '*final*' to '*more*' or possibly deleting any reference to Cell 7.
4. Same section, fifth paragraph, first sentence, the preposition '*on*' probably should be '*of*' after the word '*construction.*'
5. Same section, paragraph seven, spell out the acronym '*ARARs*' on first reference. Consider explaining, as succinctly as possible, what the term means.

Recommendations:

1. During discussion of the fact sheet at the ORSSAB EM Committee in September 2009, there was concern that the explanation of alternatives considered in the engineering evaluation in paragraph 5 under the Description of Proposed Action could be unnecessarily confusing to the public. That paragraph could be deleted without affecting the explanation of the ESD.
2. Figure 1, the drawing, is nearly useless. It is a part of a drawing, and has no legend. Print items, such as elevations, are unreadable. Consider adding a legend and include on a separate page so print is legible.
3. Under the 'Purpose' section of the fact sheet the wording used is to 'authorize the construction of a new waste disposal cell to fully utilize the available disposal capacity at the facility known as the Environmental Management Waste Management Facility (EMWMF).' No place in the ROD that establishes the waste disposal facility is the term 'Environmental Management Waste Management Facility' used. ORSSAB recommends that DOE take advantage of the ESD to clearly identify the Environmental Management Waste Management Facility as the proper name of the waste disposal facility established by the ROD. In all other DOE documents, EMWMF should be spelled out on first reference accompanied by an explanation that it is the waste disposal facility established in Bear Creek Valley in 1999 under CERCLA.