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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-8909

February 10, 1998

4WD-FFB

Mr. William M. Pardue
Chair, Oak Ridge Environmental Management
Site Specific Advisory Board
P.O. Box 2001 / EW-91
Oak Ridge, TN 37831

Dear Mr. Pardue:

The Environmental Protection Agency (EPA) has reviewed the Oak Ridge Environmental Management Site Specific Advisory Board's (Board's) *Community Guidelines for End Use of Contaminated Properties on the Oak Ridge Reservation (R010798.4)*. The EPA appreciates the opportunity to review recommendations made by the Board and to provide feedback on those recommendations. Overall, EPA is in general agreement with the Board's recommendation.

The Board's recommendation highlights community preferences that strongly correlate with the expectations discussed in the Preamble to the National Contingency Plan which guides the implementation of the Superfund program. In the enclosure, EPA has provided several specific comments on the Board's recommendation.

We would be happy to discuss our feedback on the Board's recommendation at your convenience. I may be contacted at 404/562-8519.

Sincerely,

CB Warren
Camilla Bond Warren, Chief
DOE Remedial Section
Federal Facilities Branch

Enclosure

cc: Earl Leming, TDEC
Rod Nelson, DOE

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EPA Comments
SSAB's Recommendation
Community Guidelines for End Use of Contaminated Properties
on the Oak Ridge Reservation

1. EPA strongly supports the principles expressed in the first paragraph of the recommendation. Community participation is required by the CERCLA statute and regulations. The importance of the community's participation is reflected in the EPA Administrator's recent Superfund Administrative Reforms initiatives and the formation and continued use of community advisory boards.
2. The second paragraph emphasizes that the remediation program should be guided by the end use recommendations provided by the community. EPA fully intends to give the community's preferences strong consideration in the remedy selection process. As the Board noted, the highest priority is for the overall protection of human health and the environment. In determining acceptable end use objectives, EPA must also consider other factors such as potentially applicable or relevant and appropriate regulations, EPA national policies and guidance, and consistency among all Superfund sites. In this regard, it is appropriate that the Board's recommendation expressly recognizes the applicability of all nine of the remedy selection criteria established by the National Contingency Plan.
3. All of the guidelines are generally consistent with approach EPA applies to Superfund sites. However, EPA is providing comments on several of the specific guidelines.

The second guideline discusses the need to establish and fund a long-term stewardship program. DOE, TDEC, and EPA have committed resources to discuss this issue. This "stewardship committee" will begin meeting this month and is working to address issues associated with the State of Tennessee Guidance Policy on "Perpetual Institutional Controls" and other related concerns.

The fifth guideline discusses the desire to not impede the continuing use and development of the Reservation. However, any end use decision other than "unrestricted" results in imposing land use restrictions through the remedy selection process. Achieving an appropriate balance between protectiveness, future use of land, and cost is not an easy process. The Surface Impoundments Project at ORNL, where the Board supported removal of the four impoundments, highlights some of the trade-offs that are inherent in these decisions.

The tenth guideline discusses the desire to periodically re-evaluate end use decisions as new technologies become available. While EPA agrees with this general concept, remedies (separate from end use decisions) are required to be reviewed at least every five years if a remedy does not allow for unrestricted exposure and unlimited access. During the conduct of these "five year" reviews, if it is determined that a remedy is no longer protective, further response actions would be investigated and implemented. Should a change in land use classification be desired for a formerly remediated and controlled property, the remedy would need to be evaluated under the new exposure assumptions and further response actions may be necessary to ensure protectiveness. There are currently no requirements whereby the development of a new technology alone triggers the need for review of previously decided remedies.

-- end of comments --