



OAK RIDGE RESERVATION

Environmental Management

March 12, 1999

Mr. Rod Nelson
Assistant Manager for
Environmental Management
U.S. DOE/ORO
P.O. Box 2001, EM-90
Oak Ridge, TN 37831

**COMMENTS ON PROPOSED PLAN FOR THE DISPOSAL OF OAK RIDGE
RESERVATION COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT OF 1980 WASTE (DOE/OR/01-1761&D3)**

Dear Mr. Nelson:

The Oak Ridge Reservation Environmental Management Site Specific Advisory Board approved the enclosed comments on the *Proposed Plan for the Disposal of Oak Ridge Reservation Comprehensive Environmental Response, Compensation, and Liability Act of 1980 Waste* at our March 10, 1999 Board meeting.

We appreciate your extending the deadline for public comments at our last Board meeting and look forward to your written response to our comments.

Sincerely,

A handwritten signature in cursive script that reads "William M. Pardue".

William M. Pardue, Chair

WMP/sb

Enclosure



Oak Ridge Reservation Environmental Management Site Specific Advisory Board

Comments on DOE/OR/01-1761&D3 Proposed Plan for the Disposal of Oak Ridge Reservation Comprehensive Environmental Response, Compensation, and Liability Act of 1980 Waste

Introduction

The ORREMSSAB¹ continues to support² the preferred alternative for construction of a facility in East Bear Creek Valley for disposal of most of the waste resulting from CERCLA³ remediation activities on the Oak Ridge Reservation (ORR). The proposed facility should not be considered as a new contamination source but rather as a safer alternative to leaving contaminated materials in their present uncontained locations.

Disposal of waste onsite reduces the risk and cost associated with transportation elsewhere. It eliminates the uncertainty associated with the waste disposal policies of other states, and it contributes to a timely and efficient remediation program. Furthermore, it sends the message that Oak Ridge accepts responsibility for waste it can accommodate and wants to minimize the amount and kinds of waste it ships to other facilities.

The proposed facility must safely isolate contaminated material from the environment. It must be designed, constructed, and operated to meet site-specific waste acceptance criteria.

In addition, the public must be assured that closure plans and a long-term maintenance and stewardship program are in place.

The Proposed Plan

Description of the waste acceptance criteria (WAC) and the promise that "The WAC will be finalized in a post-ROD primary document . . ." (pp. 13 and 15) do not address the issues raised in two public meetings. The stakeholders expected the proposed plan to have a more definitive statement of the WAC or at least a statement of the criteria for

¹ Oak Ridge Reservation Environmental Management Site Specific Advisory Board

² "Sequencing of EM Activities on the ORR," recommendation dated 11/5/97 and "On-Site Waste Disposal Facility on the ORR," recommendation dated 3/4/98

³ Comprehensive Environmental Response, Compensation, and Liability Act

their determination. The general reference to the RI/FS and the addendum is not adequate. Furthermore, we expect that the WAC, when agreed to by TDEC⁴, EPA⁵, and DOE⁶, will allow the remediation program to proceed in a reliable and cost-effective manner.

The ORREMSSAB understands that the Proposed Plan will be revised to accommodate comments. However, we expect more complete treatment of the following items in the Record of Decision (ROD).

The Record of Decision

The following comments for the ROD are based on areas/issues in the Proposed Plan that we believe require additional or modified treatment:

- Because the facility will be located in a fairly small drainage basin, the design should accommodate the expected effects of a 1000-year flood (e.g., erosion and material dispersal).
- Please clarify how on-site or off-site disposal options will be evaluated in “. . . site specific RODs or other decision documents for all future response actions requiring waste disposal.”
- The location of the soil borrow pit should be shown on Figure 1 or its equivalent. In addition, please describe or provide specific references for restoration of the borrow area.
- We believe DOE policy allows off-site shipment of waste only to federal and/or state-licensed facilities. The discussion on page 4 does not include such as policy. Please include it in the ROD.
- We do not agree that either alternative “. . . supports site wide cleanup of the ORR by assuring timely disposal capacity” (p. 4). As previously stated, we believe that only on-site disposal assures timely disposal. Please include the uncertainty associated with off-site disposal in the ROD.
- In the discussion of cell design on page 13, the extremely long life of the contaminants and thus, the long life of the waste cell should be stated explicitly. The ARARs⁷ require long-term effectiveness to be addressed, but we would like to see the issue stressed in the ROD.

⁴ Tennessee Department of Environment and Conservation

⁵ Environmental Protection Agency – Region 4

⁶ Department of Energy – Oak Ridge Operations

⁷ Applicable or Relevant and Appropriate Requirements

- The ARARs for disposal cell design are listed in Appendix B. Please number the ARARs and provide reference in the text to those that are important for design of this ORR waste facility.
- As discussed above, even if specific WAC are yet to be developed (p. 15), the criteria upon which they will be based must be clearly stated in the ROD.
- Please describe how waste will be evaluated relative to the WAC.
- The ROD should include plans for keeping long-term records of the origin, composition, location, and date of disposal of waste within the facility.
- The schedule for closure of the facility when the CERCLA program is complete (p. 16) provides a basis for long-term stewardship planning, but it does not address provisions for a temporary cap and drainage system to control water infiltration in the interim.
- The discussion of stewardship/institutional controls (p. 15) should provide more detail, particularly regarding how access to the disposal site will be restricted. Continued support of an on-site disposal cell depends on a credible discussion of long-term stewardship in the ROD. We remind DOE that the Stakeholder Report on Stewardship (July 1998) provides a sound approach for design/implementation of a stewardship program. The ROD should incorporate such information, including provision for adequate long-term funding for stewardship/institutional control for the waste disposal facility.