

OAK RIDGE RESERVATION

Environmental Management

November 5, 1998

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

Dear Mr. Nelson:

At our November 4, 1998, Board meeting the Oak Ridge Reservation Environmental Management Site Specific Advisory Board (ORREMSSAB) reviewed and approved the enclosed "Recommendation for Including Public Involvement in Proposals for the Environmental Management Waste Management Facility at the Oak Ridge Reservation." The SSAB members present at the Board meeting approved the recommendation unanimously.

We look forward to receiving your written response to our recommendation. Thank you for your continued support of ORREMSSAB.

Sincerely,

William M. Pardue

William M. Pardue,
Chair

WMP/plo

cc: Marianne Heiskell, DOE/ORO
Margaret Wilson, DOE/ORO
Karol Hazard, DOE/HQ
John Hankinson, USEPA Region 4
Earl Leming, TDEC
Susan Gawarecki, LOC



Recommendation for Including Public Involvement in Proposals for the Environmental Management Waste Management Facility at the Oak Ridge Reservation

The Oak Ridge Reservation Environmental Management Site Specific Advisory Board (ORREMSSAB) recommends that the following be included in the Oak Ridge Environmental Management M&I Contract Request for Proposal (RFP) 23900-RFP-BC008, "Complete Design, Construction, and Operation of the Environmental Management Waste Management Facility:"

1. If bidders are being scored on certain criteria, one of those criteria should be how they plan to incorporate stakeholder concerns and input.
2. The Community Guidelines created by the End Use Working Group (Attachment 1) and comments already made by the public regarding the waste management facility should be included as an appendix in the RFP. Comments already made by the public include the following:
 - a. "Recommendation to Site a Waste Disposal Facility on the Oak Ridge Reservation," contained in the *Final Report of the Oak Ridge Reservation End Use Working Group* (Attachment 2);
 - b. ORREMSSAB Recommendation 97.4: "Elimination of the White Wing Scrap Yard Disposal Site from Consideration as a Location for the EM Waste Management Facility," issued February 5, 1997 (Attachment 3);
 - c. ORREMSSAB Recommendation R03/04/98.7: "Recommendation to Site a Waste Disposal Facility on the Oak Ridge Reservation," issued March 4, 1998 (Attachment 4);
 - d. ORREMSSAB *Vision, Critical Success Factors, and Principles* (Attachment 5).

We also recommend that a public meeting be held in January 1999 to explain the contracting process and current status to stakeholders.



COMMUNITY GUIDELINES FOR DETERMINING END USES
OF CONTAMINATED LAND AND WATER
ON THE OAK RIDGE RESERVATION

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The End Use Working Group believes end use decisions for the Oak Ridge Reservation, and associated remedial activities, must include consideration of the community's values. The public and the Department of Energy (DOE) have a mutual responsibility to deal with each other openly and honestly. To enable stakeholders to comment responsibly on end use and remediation options, DOE must provide accurate and timely information.

DOE's Environmental Management Program should be guided by end use recommendations that are provided by the stakeholder community, are endorsed by the City of Oak Ridge and can accommodate changing circumstances. Once end use recommendations are provided by the community, the federal government should commit to completing all remediation to meet recommended end uses and should provide opportunities for meaningful public involvement. The federal government's goal should always be the protection of human health and the environment. In its decision making, the federal government should use the best available science and technology, while taking into account cultural, social and economic factors, environmental justice and risks to workers.

The End Use Working Group developed the following guidelines for DOE to use in making future use decisions for contaminated land and water. The guidelines for contaminated land are presented in order of priority. Each guideline for contaminated water carries equal weight. DOE should explain how the guidelines are incorporated or cannot be incorporated into each of its decisions.

Guidelines for Contaminated Land

1. All owners and operators of property must, at a minimum, comply with applicable state and federal regulations to provide safe working conditions and to protect nearby residents and the environment.
2. Contaminated material left on site, regardless of the site's end use, must be controlled to prevent further spread.
3. The federal government should work with state and local governments, in consultation with the public, to establish and fund a long-term stewardship program for contaminated lands.
4. DOE and its contractors should minimize impacts on the environment during remediation and maximize restoration of the environment after remediation.
5. End uses for lands containing residual contamination should include buffer zones that protect current and future nearby populations.
6. End use decisions for contaminated lands should allow for the safe use and development of Oak Ridge Reservation lands, future employment, and research opportunities.
7. When siting additional facilities, DOE should use brownfield sites instead of greenfield sites.
8. Structures unsuitable for future uses should be demolished expeditiously.
9. Waste should be relocated only to reduce total risks to human population and the environment.

COMMUNITY GUIDELINES FOR DETERMINING END USES
OF CONTAMINATED LAND AND WATER
ON THE OAK RIDGE RESERVATION

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10. Institutional controls in lieu of remedial actions should be used only in cases where DOE has satisfied the community that further restoration is not feasible.
11. DOE's program offices must coordinate their activities and end use decisions and should provide for meaningful, broad-based public involvement.
12. End use decisions should be reevaluated as better technologies become available.
13. End use decisions should strive to reduce the amount of land requiring long-term control.
14. End use of contaminated sites should be compatible with projected uses of adjacent properties.

Guidelines for Contaminated Water

1. The federal government must assure the unrestricted use of groundwater exiting the boundaries of the Oak Ridge Reservation.
2. The federal government must control contaminated groundwater resulting from Oak Ridge Reservation activities such that the use of currently uncontaminated groundwater is not impacted. Where it is necessary to restrict the use of uncontaminated groundwater to prevent the expansion of contaminant plumes, the goal of remediation should be to expeditiously eliminate those restrictions.
3. If contaminated groundwater remains after remediation, the federal government must restrict its use and prevent the contamination from spreading.
4. Where contaminated groundwater exists beneath otherwise uncontaminated land, the goal should be to restore that groundwater to health-based standards.
5. Surface waters on the Oak Ridge Reservation must eventually meet State water quality standards. In the interim, water quality must not pose an unacceptable risk under actual current use.

It should be noted that these Community Guidelines complement, but do not alter, the nine CERCLA (Comprehensive Response, Compensation and Liability Act) criteria that must be considered by DOE, the U.S. Environmental Protection Agency and the Tennessee Department of Environment and Conservation. These CERCLA criteria are:

- Overall protection of human health and the environment
- Compliance with ARARs
- Long-term effectiveness and permanence
- Reduction of toxicity, mobility or volume
- Short-term effectiveness
- Implementability
- Cost
- Regulatory acceptance
- Community acceptance



RECOMMENDATION TO SITE A
WASTE DISPOSAL FACILITY
ON THE OAK RIDGE RESERVATION

Remediation of the Oak Ridge Reservation (ORR) will generate large volumes of material containing varying degrees of contamination. The End Use Working Group believes that DOE should take a balanced* approach to the disposal of contaminated materials from the ORR. A balanced approach will require construction of an on-site waste disposal facility to manage contaminated materials meeting site-specific waste acceptance criteria. Material not meeting waste acceptance criteria for an ORR waste disposal facility should be disposed of off site.

DOE should consider the following criteria when planning an ORR waste disposal facility:

1. The facility should be located on or adjacent to an area that is contaminated and previously used for long-term waste disposal. After consideration of the End Use Working Group's Community Guidelines, the End Use Working Group believes that the East Bear Creek Valley site is the most appropriate location of the three sites proposed by DOE.
2. Facility design must safely isolate contaminated materials from the environment.
3. For materials with very low levels of contamination, options for safely managing these materials without elaborate disposal requirements should be given meaningful consideration.
4. Waste disposal capacity should accommodate both current and future volumes of ORR remediation waste.
5. Consideration should also be given to creating disposal capacity for non-remediation wastes. If on-site waste disposal capacity is limited for any reason, the first priority should be given to remediation wastes.
6. Perpetual stewardship of the disposal facility and surrounding property must be assured.
7. Focused stakeholder input should be solicited prior to making decisions regarding facility design, waste acceptance criteria, and acceptance of waste from outside ORR.

*A balanced approach is one which recognizes that Oak Ridge's environmental problems should not be solved by shipping all of its waste elsewhere. DOE must take into account the concerns of stakeholders at potential receiving facilities and along transportation routes. DOE must also take into account the total costs and risks associated with managing wastes on site vs. off site.

We the undersigned members to the Oak Ridge Reservation End Use Working Group, have participated in the development of and endorse the above recommendations.

<u>Walf Naepf</u>	<u>James B. Phillips</u>	<u>[Signature]</u>
<u>Babara A. Walton</u>	<u>James B. Phillips</u>	<u>Claudia A. Luce</u>
<u>Herman Wallace</u>	<u>John P. Hayes</u>	_____
<u>Roger L. Macklin</u>	<u>James J. Johnson</u>	_____
<u>Andy Kelsoy</u>	<u>Alfred L. Brooks</u>	_____
<u>Robert Belle</u>	<u>William M. Parks</u>	_____
<u>Mary Bryan</u>	<u>Robert F. Sigal</u>	_____

September 19, 1997



OAK RIDGE RESERVATION

Environmental Management

February 25, 1997

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

Dear Mr. Nelson:

The following motion was approved at our February 5, 1997 regular monthly Board meeting to forward to DOE:

The ORREMSSAB recommends that DOE eliminate the White Wing Scrap Yard (WWSY) from consideration as a location for the Environmental Management Waste Management Facility. Of all of the candidate sites, the WWSY is the least desirable alternative. Use of the WWSY Site would contaminate an unimpacted site. It would cause ecological fragmentation of the Oak Ridge Reservation. It would require expensive site characterization. It is subject to public access because of its intersection of state roads 58 and 95.

We look forward to receiving your written response to the above recommendation. Thank you for your continued support of the ORREMSSAB.

Sincerely,

Randy Gordon, Chair

RG:st

cc: ORREMSSAB Members



Recommendation to Site a Waste Disposal Facility on the Oak Ridge Reservation

Remediation of contaminated areas and buildings on the Oak Ridge Reservation (ORR) will generate large volumes of waste materials (up to 1.5 million cubic yards) with varying levels and kinds of contamination. The Oak Ridge Reservation Environmental Management Site Specific Advisory Board (ORREMSSAB) believes that the Department of Energy (DOE) must take a balanced approach¹ to the disposal of the contaminated waste materials. A balanced approach requires (1) construction of an onsite waste disposal facility for materials meeting site-specific waste acceptance criteria and (2) disposal offsite for those materials not meeting the waste acceptance criteria.

DOE should consider the following criteria when planning an ORR waste disposal facility:

1. The facility should be located on or adjacent to an area that is contaminated and previously used for long-term waste disposal. After consideration of the Community Guidelines, the End Use Working Group conclusions, and the siting recommendation based on summaries of ecological, hydrogeological, and transportation issues prepared by the ORREMSSAB², the Board believes that the East Bear Creek Valley site is the most appropriate location for a waste disposal facility.
2. Facility design must safely isolate contaminated materials from the environment.
3. For materials with very low levels of contamination, options for safely managing these materials without elaborate disposal requirements should be given meaningful consideration.
4. Waste disposal capacity should accommodate both current and future volumes of ORR remediation waste.

¹ A balanced approach recognizes that ORR's environmental problems can not be solved by shipping all of its waste elsewhere. DOE must take into account the concerns of stakeholders at potential receiving facilities and along transportation routes. DOE must also take into account the total costs and risks associated with managing wastes on site vs. off site.

² Recommendation to eliminate the White Wing Scrap Yard from consideration as a location for an Environmental Management Waste Management Facility. Approved by the ORREMSSAB on February 5, 1997. Subsequently, DOE deferred any disposal options until the End Use Working Group developed Community Guidelines to aid in cleanup decisions (March 3, 1997 letter to Stakeholders from Rodney R. Nelson, Assistant Manager for Environmental Management, DOE/ORO.)

5. Consideration should also be given to creating disposal capacity for non-remediation wastes. If on-site waste disposal capacity is limited for any reason, the first priority should be given to remediation wastes.
6. Perpetual stewardship of the disposal facility and surrounding property must be assured.
7. Focused stakeholder input should be solicited prior to making decisions regarding facility design, waste acceptance criteria, and acceptance of waste from outside ORR.

Implementation of this recommendation by the DOE must be consistent with the Community Guidelines and needs for long-term stewardship. This recommendation is based upon and consistent with the conclusions reached by the End Use Working Group for Siting a Waste Disposal Facility on the Oak Ridge Reservation (End Use Working Group recommendation dated September 19, 1997). If the DOE cannot meet this recommendation, exceptions must be discussed in a public forum as part of the decision-making process.

**Oak Ridge Reservation Environmental Management
Site Specific Advisory Board**



**Vision,
Critical Success Factors,
and
Principles**

Adopted March 5, 1997

PREAMBLE

The Oak Ridge Reservation Environmental Management Site Specific Advisory Board (ORREMSSAB) Vision, Critical Success Factors, and Principles were developed to provide a set of long term goals for the DOE-ORO Environmental Management Program. These principles will enhance clarity of thought, allow community feedback, and apprise government of ORREMSSAB positions.

The ORREMSSAB will remember that we are engaged with the state and federal governments, on behalf of the public, to find mutually acceptable solutions to common problems.

VISION

The Oak Ridge Reservation will be a place for people to live, work and play in a community that is environmentally progressive, economically vital, and socially equitable now and for the future.

Critical Success Factor 1

The federal government must acknowledge its moral and financial obligation for cleanup of the Oak Ridge Reservation.

Principles for Success Factor 1:

The U.S. Department of Energy must prevent further environmental damage.

The public and government must seek to agree on the status, progress, and end state of cleanup.

The federal government must ensure adequate funding for remediation of contaminated areas.

Expenditure of funds must be cost-effective. Projects must be environmentally sound.

The government must exhibit leadership in development and use of effective remediation technology. As new technology is developed, it should be evaluated for its applicability to areas under institutional control.

Government should rely on institutional control only as a last resort. Management of institutionally controlled areas must continue until an acceptable end state is reached.

Restoration of the Oak Ridge Reservation and other affected areas must take into account distinctive characteristics such as climate, geology and topography, and proximity to population.

Critical Success Factor 2

Government and the public will work in concert to ensure our vision for the Oak Ridge Reservation.

Principles for Success Factor 2:

A Public Informed

The U.S. Department of Energy (DOE) information must be widely available and understandable to the public.

Viewpoints of the public and government must be communicated effectively via the media, public meetings, and information documents.

There must be mechanisms for government and the public to request, receive and respond to information from each other.

A Public Involved

The public must be informed on how to participate in environmental management activities and decisions.

There must be adequate time following announcements of proposed actions to enable public participation before environmental management decisions are made.

Litigation can be averted through public education and public dialog.

Feedback to the Public

The public must have evidence that their input has been fairly considered and, if feasible, reflected in the decisions and actions of the government.

The rationale for non-use or limited use of public input must be documented and communicated.

Critical Success Factor 3

The Oak Ridge Reservation will provide multiple options for future generations.

Principles for Success Factor 3:

A goal is to make all of the Oak Ridge Reservation land usable.

The U.S. Department of Energy should maximize the amount of unrestricted land. If lands are restricted, restricted portions should continue to shrink. Restricted land should be remediated so that an owner has options for business, conservation, or recreational uses.

Environmental management activities must be guided by a land use plan that is acceptable to the stakeholder community, is endorsed by the City of Oak Ridge, and can accommodate future modifications resulting from changing circumstances.

Critical Success Factor 4

Worker and public health and safety and the health of the environment will be protected during and after the cleanup program.

Principles for Success Factor 4:

Government must always work to reduce population and ecological risk from contaminants. Exposure goals for the public and for workers should achieve total expectation of less than one disability or premature death from contaminants.

Cleanup standards and activities must be compatible with anticipated land uses, economic realities, and reduction of risk to health, safety, and the environment.

The hazard from common contaminants (e.g., PCBs) should be made as low as for typical industrial locations in the United States.

Off-site shipment of waste must result in lower overall population and ecological risk.