



## Department of Energy

# I-00231-0067

Oak Ridge Operations Office  
 P.O. Box 2001  
 Oak Ridge, Tennessee 37831—

May 24, 2002

Mr. Luther Gibson  
 Chair  
 Oak Ridge Site Specific Advisory Board  
 Post Office Box 2001, EM-90  
 Oak Ridge, Tennessee 37831

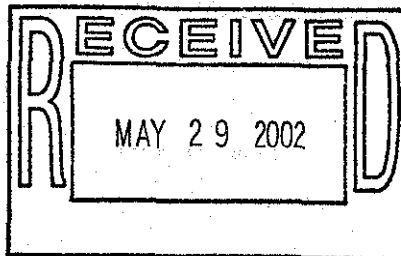
Dear Mr. Gibson:

### **REQUIREMENTS FOR STEWARDSHIP IN COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT DOCUMENTS**

Over the past several months, there has been an active dialogue between the Department of Energy (DOE) Oak Ridge Operations Office (ORO) and the Stewardship Committee of the Oak Ridge Site Specific Advisory Board (ORSSAB) on the inclusion of stewardship requirements in Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) documents. Many of the Committee's suggestions have been incorporated into the draft Records of Decision for interim actions at Bethel Valley, Upper East Fork Poplar Creek, and Zone 1 of the East Tennessee Technology Park.

CERCLA decision documents can require DOE to implement, operate, and maintain engineered controls (e.g., caps, fences, and groundwater treatment plants) and institutional controls (e.g., land use restrictions, notices, postings, records, as-built drawings, and patrols). Other activities (e.g., information systems, research, public involvement, and public education) that have been discussed by the ORSSAB may be performed by DOE as a matter of policy but are not included in the CERCLA documents. DOE Headquarters is in the process of preparing a national policy on long-term stewardship and a national *Long-Term Stewardship Strategic Plan* to define its stewardship role.

The strategy for the Oak Ridge Reservation cleanup program is to sign Records of Decision for interim actions followed by subsequent decision(s) on groundwater, institutional controls, and/or additional remedial actions as necessary. The interim actions will contain appropriate engineered and institutional controls recognizing the ongoing Federal presence. The above mentioned subsequent decision(s) will include those engineered and institutional controls necessary for the intended land use and consider the potential for change in ownership.



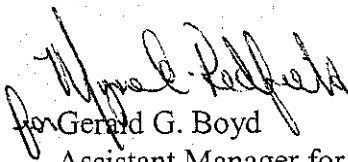
May 24, 2002

The following actions will be taken:

- As appropriate, the following text will be added to the appropriate *Annotated Outlines for Documents Required by FFA* [sic, Federal Facilities Agreement] and *CERCLA for the Oak Ridge Reservation* as model text for DOE's use in preparing future remedial decision documents: "Areas within insert appropriate operable unit name cannot support unrestricted use due to hazardous substances remaining in place after implementation of the selected remedy. Land use restrictions are required as part of this CERCLA action and will be achieved through imposition of LUCs [sic, land use controls] that limit the use and/or exposure to those areas of the property, including water resources, that are contaminated. DOE is committed to implementing and maintaining LUCs, including institutional controls, to ensure that the selected remedy remains protective of human health and the environment."
- The ORSSAB Stewardship Committee has recommended items for inclusion in CERCLA Proposed Plans. DOE plans to address the following general topics in CERCLA proposed plans: remedial action objectives, LUC objectives, current and anticipated future land use, proposed LUCs (e.g., institutional controls), and a general description of areas affected by LUCs. The development and submittal of a Land Use Control Implementation Plan to the regulators will be scheduled within the Federal Facilities Agreement Appendix E.
- The ORSSAB Stewardship Committee will continue to have an opportunity to review the long term stewardship plans developed by DOE headquarters and the Oak Ridge Reservation.
- The CERCLA five-year review/Remedial Effectiveness Report will include the appropriate reports on the engineered and institutional controls for the remedial actions conducted on the Oak Ridge Reservation.

If there are any questions about this letter or stewardship in general, please contact DOE ORO Environmental Management Long-Term Stewardship Program Manager, Ralph Skinner at (865)576-7403.

Sincerely,



Gerald G. Boyd  
Assistant Manager for  
Environmental Management

(cc's on page 3)

Luther Gibson

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May 24, 2002

cc w/enclosures:

Connie Jones, EPA 4

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LOC

Enclosure 1

Land Use Controls for Bethel Valley, ORNL, Oak Ridge, Tennessee

Table 2.32. Land use controls for Bethel Valley, ORNL, Oak Ridge, Tennessee

Type of control	Purposes of control	Duration	Implementation	Affected areas <sup>a</sup>
1. Property Record Restrictions <sup>b</sup> A. Land use B. Groundwater	Restrict use of property by imposing limitations  Prohibit uses of groundwater	Indefinitely	Drafted and implemented by DOE upon transfer of affected areas. Recorded by DOE in accordance with state law at County Register of Deeds office	All waste management areas and other areas where hazardous substances are left in place at levels requiring land use and/or groundwater restrictions
2. Property Record Notices <sup>c</sup>	Provide notice to anyone searching records about the existence and location of contaminated areas	Indefinitely	Notice recorded by DOE in accordance with state law at County Register of Deeds office: 1) as soon as practicable after signing of the ROD; 2) upon transfer of affected areas; 3) upon completion of all remedial actions	All waste management areas and other areas where hazardous substances are left in place at levels requiring land use and/or groundwater restrictions
3. Zoning Notices <sup>d</sup>	Provide notice to city about the existence and location of waste disposal and residual contamination areas for zoning/planning purposes	Indefinitely	Initial Zoning Notice (same as Property Record Notice) filed with City Planning Commission as soon as practicable after signing of the ROD; final Zoning Notice and survey plat filed with City Planning Commission upon completion of all remedial actions	All waste management areas and other areas where hazardous substances are left in place at levels requiring land use and/or groundwater restrictions
4. Excavation/ Penetration Permit Program <sup>e</sup>	Provide notice to worker/developer (i.e., permit requestor) on extent of contamination and prohibit or limit excavation/penetration activity	As long as property remains under DOE control	<ul style="list-style-type: none"> <li>Implemented by DOE and its contractors</li> <li>Initiated by permit request</li> </ul>	Remediation systems, all waste management areas, and areas where hazardous substances are left in place at levels requiring land use and/or groundwater restrictions
5. Access Controls <sup>f</sup> (e.g., fences, gates, portals)	Control and restrict access to workers and the public to prevent unauthorized uses	Indefinitely	Controls maintained by DOE	Specific locations will, if necessary, be determined by each remediation project
6. Signs <sup>g</sup>	Provide notice or warning to prevent unauthorized access	Indefinitely	Signage maintained by DOE	At select locations throughout Bethel Valley
7. Surveillance Patrols	Control and monitor access by workers/public	Indefinitely	<ul style="list-style-type: none"> <li>Established and maintained by DOE</li> <li>Necessity of patrols evaluated upon completion of remedial actions</li> </ul>	Patrol of selected areas throughout Bethel Valley, as necessary

<sup>a</sup> **Affected areas** – Specific locations identified in the Bethel Valley LUCIP or subsequent post-ROD documents.

<sup>b</sup> **Property Record Restrictions** – Includes conditions and/or covenants that restrict or prohibit certain uses of real property and are recorded along with original property acquisition records of DOE and its predecessor agencies.

<sup>c</sup> **Property Record Notices** – Refers to any non-enforceable, purely informational document recorded along with the original property acquisition records of DOE and its predecessor agencies that alerts anyone searching property records to important information about residual contamination/waste disposal areas on the property.

<sup>d</sup> **Zoning Notices** – Includes information on the location of waste disposal areas and residual contamination depicted on a survey plat, which is provided to a zoning authority (i.e., City Planning Commission) for consideration in appropriate zoning decisions for non-DOE property.

<sup>e</sup> **Excavation/Penetration Permit Program** – Refers to the internal DOE/DOE contractor administrative program(s) that require the permit requestor to obtain authorization, usually in the form of a permit, before beginning any excavation/penetration activity (e.g., well drilling) for the purpose of ensuring that the proposed activity will not affect underground utilities/structures, or in the case of contaminated soil or groundwater, will not disturb the affected area without the appropriate precautions and safeguards.

<sup>f</sup> **Access Controls** – Physical barriers or restrictions to entry.

<sup>g</sup> **Signs** – Posted command, warning, or direction.

DOE = U.S. Department of Energy

LUCIP = Land Use Control Implementation Plan

ORNL = Oak Ridge National Laboratory

ROD = record of decision

SWSA = solid waste storage area

Enclosure 2

Land Use Controls for Principal Waste Units or Areas to be Remediated, Bethel Valley, ORNL,  
Oak Ridge, Tennessee

**Table 2.33. Land use controls for principal waste units or areas to be remediated, Bethel Valley, ORNL, Oak Ridge, Tennessee**

Waste type	Unit or area	Land use controls
Facilities (buildings and appurtenances)	Structures at or below grade	1-4
	Graphite Reactor building	1-4,7
Buried waste	SWSA 1	1-4,6,7
	Former Waste Pile Area	1-4,6,7
	NRWTP Debris Pile	1-4,6,7
	SWSA 3	1-7
	Contractor's Landfill	1-7
Tank sludge and linings	Tank contents	1-4 (residuals)
	Tank shells	1-4
Inactive LLLW pipelines	Inside main plant area	1-4
	Outside main plant area	Pipelines removed
Contaminated soil impacting worker protection [top 0.6 m (2 ft)]	Main plant area	Soil Removed
	Outside main plant area	Soil Removed
	In vicinity of SWSA 3	Soil Removed
Contaminated soil impacting groundwater	Inside main plant area	1-4
Sediment and floodplain soils	White Oak Creek, First Creek, and Fifth Creek	1-4
Groundwater	Core Hole 8 Plume	1-4
	<sup>90</sup> Sr-contaminated sumps	1-4,7
	Mercury-contaminated sumps	1-4,7
	VOC Plume	1-4
	Monitoring wells	1-4

**Notes:**

(1) This table lists the land use controls that apply to principal waste types or units that will be remediated under the ROD. The numbers in the "Land use controls" column correspond to the numbered land use controls in Table 2.32, "Land use controls for Bethel Valley"; specifically,

- 1 = Property record restrictions
- 2 = Property record notices
- 3 = Zoning notices
- 4 = Permit program
- 5 = Access controls
- 6 = Signs
- 7 = Surveillance patrols

(2) Details regarding implementation of land use controls are set forth in Table 2.32 and will be further addressed in the land use controls implementation plan.

(3) The indicated land use controls may be applied at the unit or by implementation of the land use control on a Bethel Valley-wide basis. For example, signs may not surround SWSA 1, an individual waste unit in the main plant area, but may be placed at key access points to the main plant area, which contains multiple waste units.

(4) See Appendix A for a complete listing of contaminated sites and selected actions.

- LLLW = liquid low-level (radioactive) waste
- NRWTP = Nonradiological Wastewater Treatment Plant
- ORNL = Oak Ridge National Laboratory
- ROD = Record of Decision
- SWSA = solid waste storage area
- VOC = volatile organic compound

**Items Identified within the Recommendation Letter for Inclusion in DOE Documents**



**ITEMS IDENTIFIED WITHIN THE RECOMMENDATION LETTER  
FOR INCLUSION IN DOE DOCUMENTS**

<b><u>SSAB Recommendation Item</u></b>	<b><u>DOE Inclusion Document(s)</u></b>
1. Remedial Action Objectives	Proposed Plan/Record of Decision
2. Land Use Control Objectives	Proposed Plan/Record of Decision
a. Limitations on Future Land Use	
b. Types of Land Use Controls and Restrictions	
c. Institutional Controls to Prevent Unauthorized Exposure to Contaminated Media	
d. Deed Restrictions	
3. Current and Anticipated Future Land Use	Proposed Plan/Record of Decision
4. Boundary to which Land Use Controls Apply	Land Use Control Implementation Plan
5. Schedule for Issuance and Review of Land Use Control Implementation Plans	Federal Facility Agreement, App E
6. Roles and Responsibilities for Stewardship	EM stewardship management plan