



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

November 14, 2002

Mr. Gerald Boyd
Assistant Manager for Environmental Management
U.S. DOE Oak Ridge Operations
P.O. Box 2001, EM-90
Oak Ridge, TN 37831

Dear Mr. Boyd:

Comments on the Land Use Control Implementation Plans (LUCIPs) for Melton Valley (DOE/OR/01-1977&D3), Bethel Valley (DOE/OR/01-1978&D1), and Upper East Fork Poplar Creek Characterization Area (DOE/OR/01-1987&D1)

The Oak Ridge Site Specific Advisory Board (ORSSAB) and its Stewardship Committee, which has been designated by DOE as the interim Citizen's Board for Stewardship, have reviewed the subject documents and developed the following comments.

Each of the LUCIPs reviewed has consistent language and structure. The LUCIPs appear to accomplish the intent of section 2.6 of the Land Use Control Assurance Plan tri-party memorandum of understanding dated November 11, 1999. Section 2.6 details unit-specific requirements for LUCIPs and further states,

“The LUCIP should accomplish the following:

- ✍ identify the area that is under restriction (e.g., a survey plat that is prepared by a registered land surveyor and approved by and Oak Ridge Reservation DOE Realty Officer, a detailed description or map, etc.),
- ✍ identify each land use control objective for the waste unit (e.g., prohibit residential use, etc.), and
- ✍ specify the specific controls and mechanisms required to achieve each identified objective (e.g., install/maintain a fence, post warning signs, etc.).”

Since the waste units and areas of concern include “active measure actions” along with institutional controls (i.e., land use controls) the land use controls appear to have been included in the respective Records of Decision.

The three tables included in each LUCIP provide the reviewer an informative snapshot of the remedial actions, Land Use Controls and required monitoring of the Land Use Controls. The maps and associated text identify the areas under restriction; the survey plats filed with the City

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of Oak Ridge Community Development Department and recorded with the registrar of deeds in the appropriate county after completion of all remedial actions will provide greater detail.

The ORSSAB asks that operability and internal consistency be improved in the following areas to assure that the LUCIP meets community needs over time:

1. The discussion of property record restrictions contemplates the possibility of transfers of restricted-access lands, while other portions of the text seem to assume DOE control will continue indefinitely. Each Land Use Control discussion should indicate how it will be carried forward after any property transfer.
2. Relative to property record restrictions, the document fails to recognize that such restrictions are meaningless unless DOE uniformly enforces the restrictions, if necessary, through the civil courts. Enforcement needs to be explicitly recognized as part of the Land Use Control. Monitoring such Land Use Controls will require verification that such enforcement has taken place.
3. The ORSSAB has suggested that the DOE seek appropriate zoning of areas with restricted access in the near term while DOE still owns the land. We request that the LUCIP text stating that such zoning will not occur be removed. Such zoning would be in accord with DOE's intended use of the land, so enforcement would not be an issue.
4. The generally thorough section on property record notices does not explicitly indicate that such notices need to contain a brief description of the buried waste components. This critical information must be included in the property record notices.
5. The discussions of fencing and signs suggest that annual inspections may suffice. The maximum time that an incursion may be allowed to continue in each area should be stated. (A one-year inspection interval implies that a six-month incursion would be tolerable.)

Thank you for the opportunity to comment on these key documents, and we look forward to working with you in the future regarding the environmental remediation of the Oak Ridge Reservation.

Sincerely,



David N. Mosby, Chair

cc: David Adler, DOE-ORO
Martha Crosland, DOE-HQ
Sid Garland, Bechtel Jacobs
Pat Halsey, DOE-ORO
Connie Jones, EPA
John Owsley, TDEC
Ralph Skinner, DOE-ORO