



Department of Energy

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

July 15, 2004

Mr. David N. Mosby, Chair
Oak Ridge Site Specific Advisory Board
Post Office Box 2001
Oak Ridge, Tennessee 37831

Dear Mr. Mosby:

REFERENCE: LETTER DATED APRIL 15, 2004, FROM THE OAK RIDGE SITE SPECIFIC ADVISORY BOARD (ORSSAB) TO MR. STEVE MCCRACKEN/DOE-ORO: RECOMMENDATIONS ON PROPOSED CHANGE TO THE REMEDIATION STRATEGY FOR TRENCHES 5 AND 7 IN MELTON VALLEY

The Department of Energy (DOE) was pleased to receive your recommendations on the proposed change to the remediation strategy for Seepage Trenches 5 and 7 in Melton Valley. In situ vitrification (ISV) was selected as the treatment remedy for Trenches 5 and 7 in the Melton Valley Record of Decision (ROD). The proposed change to the remediation strategy was substitution of in situ grouting for ISV.

The Oak Ridge Site Specific Advisory Board (ORSSAB) recommended that DOE prepare an explanation of significant differences (ESD) to document the change in remediation of Trenches 5 and 7 from ISV to in situ grouting. However, in the Environmental Program Council (EPC) meeting on March 31, 2004, the EPC agreed to preparing a ROD amendment rather than an ESD after the Environmental Protection Agency (EPA) described its rationale for documenting the post-ROD change with a ROD amendment. The National Contingency Plan (NCP) requires use of ROD amendment procedures – affording a new opportunity for public review and input – whenever the proposed change would “fundamentally alter the basic features of the selected remedy” [40 CFR 300.435(c)(2)(ii)]. EPA’s reasons for documenting the remedy change as a ROD amendment rather than an ESD are outlined in the bullets below:

- Although there are many trenches in Melton Valley, EPA considers Trenches 5 and 7 to be a distinct remediation group in Melton Valley that is sufficiently contaminated and unique to have warranted selection of a somewhat prestigious remedial action (i.e., ISV) in the ROD. EPA believes that this separate remediation group remains the appropriate reference point for purposes of determining whether the change from ISV to in situ grouting would “fundamentally alter the basic features of the selected remedy.”
- EPA regards ISV and in situ grouting as “primary” (rather than secondary) treatment methods, as indicated by the fact that each was evaluated as a separate alternative remedial action for the Seepage Trenches in the Melton Valley feasibility study and ROD. The two treatment methods were separately evaluated because of their obvious differences with regard to effectiveness, implementability, and cost. According to EPA guidance, a change in primary treatment methods could be considered a “fundamental” change to a remedy.

The ORSSAB also recommended that a Fact Sheet explaining the ESD be distributed to stakeholders and that DOE expand stakeholder involvement in the ESD process by holding a public meeting on the proposed change and implementing a public comment period on the ESD document. These recommendations were essentially fulfilled in following the ROD amendment process. A proposed plan explaining the substitution of in situ grouting for Trenches 5 and 7 was developed by DOE and approved by the regulators. This proposed plan was made available to the public for review and comment on May 28, 2004. A public meeting was held on June 16. Public comments on the proposed change received during the public comment period will be considered by the decision makers, and then summarized and responded to in the final version of the ROD amendment.

A third recommendation by the ORSSAB was that DOE fully consider stakeholder concerns relating to long-term stewardship issues that may be associated with the shift from ISV to in situ grouting. Although not as permanent as ISV, in situ grouting provides long-term isolation of the wastes for hundreds to thousands of years. Despite the fact that the grouting treatment is long-lasting, the Melton Valley remedial actions under the ROD are considered interim actions. Final decisions on long-term stewardship in Melton Valley will not be addressed in the ROD amendment but in future decision documents.

If you have any further questions, please do not hesitate to contact John Julius at 241-6676.

Sincerely,



David G. Adler
FFA Project Manager

cc:

Patricia Halsey, EM-911
Constance Jones, EPA Region 4
John Owsley, TDEC, ORO
Sandra Waisley, EM-33, DOE-HQ