Technical Assistance Plan
TVA Kingston Fossil Plant Release Site
Roane County, Tennessee

Submitted by:
Tennessee Valley Authority

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I. INTRODUCTION

Tennessee Valley Authority (TVA) is committed to working with its neighbors in Roane County as it restores the area affected by the ash spill at the Kingston Fossil Plant Release Site (hereinafter referred to as the Site). TVA has submitted to the United States Environmental Protection Agency (EPA) a Draft Community Involvement Plan (CIP) after interviewing almost 50 residents and community leaders, and will release it for public review and comment once approved by EPA. The CIP outlines TVA's plan for informing the public about Site activities and involving the community in the decision-making process at the Site. Working with community groups is one way that TVA will make sure that information reaches residents and other persons who are interested in the Site.

On May 11, 2009, EPA and TVA entered into an Administrative Order and Agreement on Consent, Docket No. CERCLA-04-2009-3766, pursuant to which TVA agreed to provide and administer $50,000 to be used by a qualified community group that is representative of the area in and around the Site to hire its own technical advisor (such funding is hereinafter referred to as the "TAP Funds"). The technical advisor will interpret and help the community understand and comment on data and Site-related documents generated during the non-time-critical removal process.

This plan will outline the selection process for the community group, the appropriate use of TAP Funds, the selection of a technical advisor, dispute resolution, additional TAP activities, and schedule.

II. SELECTION OF QUALIFIED COMMUNITY GROUP

Soliciting applications from the community

EPA informed the community of the availability of the TAP Funds through placing notices in local newspapers and through announcements at public meetings.

EPA made the TAP Funds application available to community groups.

Eligibility Criteria

To qualify for TAP Funds, the group must:

- Be a representative group of individuals potentially affected by the Site,
- Demonstrate it meets the ability to adequately and responsibly manage TAP responsibilities.

The group cannot:

- Receive money/services from TVA, other than the TAP Funds,
- Be affiliated with a national group (to the extent that the national group exercises control),
- Be an academic institution,
- Be a political subdivision, like a city or county, or
- Be sustained by or have been established by any of these kinds of entities.

Evaluation of applications

Only one community group can be awarded TAP Funds for the Kingston Site. EPA selected the Roane County Community Advisory Group (RCCAG) as the qualified community group.

III. USE OF TAP FUNDS

After the EPA selected the TAP Funds Recipient, EPA notified TVA, and the RCCAG in writing. TVA will inform the selected community group of the activities that can and cannot be undertaken with its funds as defined below.

A TAP Funds Recipient may perform any of the following activities with the TAP Funds:

a) Retain a technical advisor to help the community understand the nature of the environmental and public health issues at this Site and the various stages of the non-time-critical related investigations and activities, including the Engineering Evaluation/Cost Analysis (EE/CA), the selection and implementation of the non-time-critical removal action, and the EE/CA Action Memorandum. This technical assistance should contribute to the public's ability to participate in the decision-making process by improving the public's understanding of overall conditions and activities at the Site.
b) Undertake activities that communicate Site information to the public through newsletters, the Internet, public meetings or other similar activities.
c) Provide no more than $1,000 for one-time health and safety training for the selected technical advisor to gain access to the Site.

The TAP Funds Recipient may <u>not</u> perform any of the following activities with the TAP Funds:

a) Litigation or underwriting any existing or contemplated legal actions, such as paying for attorney fees or paying for the time of the technical advisor to assist an attorney

or any other person in preparing a legal action, or preparing for and serving as an expert witness at any legal proceeding regarding or affecting the Site.

b) Tuition or other training expenses for the group's members or its technical advisor (except as provided above).
c) Any activities or expenditures for community group members' travel.
d) Generation of new, primary data, such as well drilling and testing, including split sampling.
e) Reopening or challenging EPA final decisions, such as the EE/CA Action Memorandum.
f) Generation of new health data through biomedical testing (e.g., blood or urine testing), clinical evaluation, health studies, surveillance, registries and/or public health interventions.
g) Parties or celebrations.
h) Political activities or lobbying.

If requested by the TAP Funds Recipient, TVA will provide up to $5,000 of the award amount to fund estimated initial startup costs. This advance payment may be used only for the purchase of supplies, postage, payment of the first deposit to open a bank account, rental of equipment, first month's rent of office space, solicitation of a technical advisor and other reasonable start up costs that are specifically described in a request from the group. This advance payment should not be used for contracts for technical advisors or other contractors.

In addition to TAP Funds, TVA may donate other goods and in-kind services to the TAP Funds Recipient. Types of services may include:

a) In-kind services to help the TAP Funds Recipient develop a website for their use and purposes,
b) In-kind services in the form of setting up a database for the TAP Funds Recipient to access sampling results and other pertinent information. This could be linked to their website, and
c) Space in the Community Outreach Center for the TAP Funds Recipient to make their information available to the public.

TVA may also contribute other goods and services to the TAP Funds Recipient.

IV. SELECTION OF A TECHNICAL ADVISOR

Applications for the technical advisor position will be submitted to the TAP Funds Recipient, with copies to EPA. Once it has received all the technical advisor applications, the TAP Funds Recipient will review them and then select, prepare and submit a written evaluation of its first- and second-choice selections. The evaluations must demonstrate that each candidate meets the minimum requirements as defined in this TAP, and contain an analysis explaining the basis for the selections. The TAP Funds Recipient will send its first- and second-choice selections and corresponding evaluations to EPA, with a copy to TVA.

To be eligible, a technical advisor must possess the following credentials:

a) Demonstrated knowledge of environmental removal issues by proven work experience in such fields for more than five years,
b) A Bachelor of Science degree in a relevant discipline (for example, biochemistry, toxicology, public health, environmental sciences, engineering, environmental law and planning, hydrogeology, civil engineering, and solid waste management practices),
c) A proven ability to translate technical information into terms understandable to lay people,
d) Proven experience in making technical presentations in a public meeting or hearing setting, and
e) Demonstrated writing skills.

The selected, qualified technical advisor will be independent of TVA. Technical advisors are ineligible if they or any immediate family members are:

a) An employee of, an appointee with, or contractor for TVA,
b) Currently applying for a position with or bidding for any other contract position with TVA, or have a substantial financial interest or other substantial involvement with TVA,
c) A party to or associated with an organization that is a party to any current or past legal proceeding adverse to TVA,
d) The person who wrote the specifications for the contract and/or who helped screen or select the contractor,
e) Doing work at the Kingston Site for the Federal or state government or any other entity, or
f) On the "List of Parties Excluded from Federal Procurement or NonProcurement Programs."

TVA and EPA must accept the TAP Funds Recipient's first choice, provided the selected technical advisor meets the minimum requirements as defined above. TVA shall notify EPA within fifteen (15) days of receipt of the group's selected candidate if TVA believes that the advisor does not meet the above definition of "independent", is not qualified, or was not properly selected. Within thirty (30) days of the receipt of the group's selected candidate, EPA will notify the TAP Funds Recipient, the technical advisor, and TVA either that the selected candidate is accepted, or that the agency believes the advisor does not meet the above definition of "independent," is not qualified, or was not properly selected.

V. AGREEMENT WITH TAP FUNDS RECIPIENT

TVA has attached a draft agreement to this TAP work plan. After review and comment by EPA, TVA agrees to submit this agreement to the TAP Funds Recipient. This agreement addresses the services that will and will not be paid for through the TAP program; the proposed system for paying for TAP services (i.e., an invoice/billing system); the dispute resolution process; and other necessary provisions that provide for the administration of this TAP consistent with the terms of the Consent Agreement that TVA entered into with EPA.

TVA must negotiate in good faith with the TAP Funds Recipient and make a good-faith effort to complete such negotiations no later than November 17, 2009. Upon completion of the

negotiations but prior to signature, TVA should provide the final agreement to EPA and explain any differences between the draft attached agreement and the final version. EPA must review and approve the final agreement prior to signature.

A copy of the agreement is attached.

VI. DISPUTE RESOLUTION

TVA and the TAP Funds Recipient should attempt to resolve informally any issues concerning the use, administration, or payment of funds pursuant to this TAP, or the performance of other substantive provisions arising out of, or relating to this TAP. During such a process, the parties shall, to the extent practicable, continue administering, managing, and providing the services required under this TAP that are not in dispute.

In the event TVA and the TAP Funds Recipient cannot reach resolution on an issue concerning the use, administration, or payment of funds pursuant to this TAP, TVA agrees to notify EPA of the dispute and to work with EPA to resolve it.

To the extent that issues or situations arise that are not specifically addressed by this TAP, TVA agrees to refer these to EPA for guidance and must generally interpret and implement all provisions of this Agreement with the spirit and purpose of a TAP. EPA will maintain oversight authority over all aspects of this TAP to ensure good faith compliance by the parties.

VII. ADDITIONAL TAP ACTIVITIES

1. TVA has designated Katie Kline to act as a point of contact for TAP issues. Katie Kline will serve as the primary contact with the selected TAP Funds Recipient and also may respond to public inquiries and questions about the Site and/or TAP.
2. On a quarterly basis beginning November 1, 2009, the TVA will send EPA quarterly progress reports on the administration of the TAP. These reports will include, at a minimum:
    - A detailed list of TAP services that have been paid for or are pending payment by TVA and the amount of remaining TAP funds still available;
    - A calendar of upcoming activities relating to the TAP;
    - An explanation of any current problems or dispute between the parties; and
    - A copy of the RCCAG's most recent quarterly report.

VIII. SCHEDULE

To the extent practicable, TVA will make a good faith effort to comply with the schedule provided below. In the event that unforeseen developments delay implementation, TVA will provide EPA with justification for the delay and as expeditiously as possible complete the outstanding activity.

1. September 22, 2009: Conference call between EPA and TVA to finalize revisions to TAP.

2. October 30, 2009: EPA approves final TAP.
3. November 6, 2009: TVA has initial talks with TAP Funds Recipient regarding agreement and funding, if necessary, for Group's start-up expenses (up to $5,000).
4. November 17, 2009: Target date for final agreement with Funds Recipient. TVA concurrently notifies EPA of any differences between final agreement and draft agreement and submits final agreement to EPA.
5. November 24, 2009: EPA approves final agreement.