DOE Oak Ridge Reservation – Proposed EMDF Landfill – additional Public Involvement

The 2018 Proposed Plan lacked information on three significant issues:

- Waste Acceptance Criteria (WAC) – i.e. what can be placed in the landfill
- Site Selection – specifically high/fluctuating groundwater levels in the central BCV site
- Wastewater discharge limits – radiological and non-radiological discharges (i.e. Mercury)

Via a dispute resolution agreement (signed by then R4 RA Trey Glenn), the Proposed Plan was issued in 2018 without finalizing the RI/FS for the EMDF and acknowledged that effluent limits were to be addressed in a future Focused Feasibility Study. The Proposed Plan stated that the Administrative Record was incomplete, specifically regarding information on effluent limits, and that additional hydrogeologic information to support site selection would be forthcoming.

2018 Proposed Plan public comment:

- 190 sets of comments were received in 2018-2019,
- commenters asked for additional information on the WAC, site selection and effluent discharge, as well as questioning the suitability of the site and for additional opportunities to comment,
- DOE responses to comments will be in the final ROD (2021/22)

DOE's Current Proposal: Issuance of draft WAC for public review and comment.

- Responses to comment in a post-ROD document.
- Provision of additional information (via fact sheet, video, etc.) to the public regarding site selection and effluent limits.
- Potential for an informal Q&A if a public meeting is held. No formal public comment period and no responses to comments except for WAC.

EPA's concern and recommendation:

- The NCP requirements for public review and comment may not have been fully met because important information was not available, and the AR was not complete.
- EPA Administrator is obligated to consider public comment before making remedy decision.
- Recommendation to fully meet the regulation and intent of meaningful opportunity to comment is for the new/additional information be provided to the public for review via a supplement to the 2018 Proposed Plan and a second public comment period (limited to the topics with new information) and response to comments be included in the final ROD

Timeline

- 2014-2016 – various DOE presentations to the Site-Specific Advisory Board and local organizations
- Dec 2017 Dispute Resolution Agreement – parties agree to issue the Proposed Plan. Does not specifically preclude or require additional public involvement.
- December 2020 Administrations Decision on the wastewater dispute – does not specifically preclude or require additional public involvement.
- July 12, 2021 – the first draft (D1) of EMDF ROD is submitted to EPA for review. The draft responsiveness summary from 2018 PP meeting is included in the draft.
- Public comment for the WAC is planned for September 2021.