C. Jones- EPA Comments on the Record of Decision for Comprehensive Environmental Response, Compensation, and Liability Act Oak Ridge Reservation Waste Disposal at the Environmental Management Disposal Facility

Specific Comments

1. Section 2.3 Highlights of Community Participation, Page 2-9, Paragraph 1: DOE did conduct a lot of outreach activities, however, please delete the word "surpassed" in the second sentence. The description associated with early and frequent involvement by members of the public is subjective.

2. Section 2.3, Highlights of Community Participation, Page 2-10, Paragraph 2: It appears that DOE did not conduct specific outreach efforts with residents of the Country Club Estates, a community close to the Proposed EMDF Site 7c location. This oversight/omission should be explained and support the DOE response given for Comment #118. Also, please include the venue(s) where the Scarboro meetings were held on the dates referenced.

3. Section 2.3, Highlights of Community Participation, Page 2-10, Paragraph 3: It does not appear that DOE utilized all outlets e.g., radio and television media identified in the approved DOE 2016 Public Involvement Plan (PIP) to communicate the availability of the Proposed Plan, the public comment period and public meeting. This PIP was the approved PIP for use to notify the Oak Ridge community. Please provide information for not using these media.

4. Section 2.3, Highlights of Community Participation, Page 2-10, Paragraph 3: Add summary information from the results obtained from implementing the activities contained in Technical Memorandum 1 and 2. These documents provide information that enhances the characterization for the selected site. Add information about the post-ROD groundwater field study.

5. Section 2.3 Highlights of Community Participation, Page 2-10, Paragraph 5: Add a new bullet that references, in a summary manner, the use of information obtained from implementing the activities contained in Technical Memoranda 1 and 2. These activities resulted from the Field Sampling Plan for Site 7c in Central Bear Creek Valley (CBCV) and provide information that enhances the characterization of the selected site, but may not have been clearly presented in the Proposed Plan.

6. Section 2.4, Scope and Role of the Action, Page 2-11, Paragraph 5: Please modify the text to reference a modification to the Record of Decision (ROD) will be made consistent with the document, *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents (OSWER 9200.1-23P, July 1999).* Any material for disposal that is sourced from an off-site location remains subject to the decision document and not by project documents not specifically addressed by the ROD scope at the time of signature by the Administrator or delegate.

7. Section 2.5.4, Ecological Resources, Page 2-14, Paragraph 2: Irrespective of observing no Tennessee dace in the tributary streams at the CBCV, the impact on the Tennessee dace population from the EMDF construction through operation should be addressed in this section.

8. Section 2.10.4, Reduction of Toxicity, Mobility, or Volume Through Treatment, Page 2-26, Paragraph 4: Although the text states that treatment is not part of the remedy, the statement is misleading. Please revise the text to clarify that aspects of treatment could include waste volume reduction. Additionally, the responsibility should not be the sole responsibility of the waste generators but a general description of administrative and physical WAC should be presented. This will present to the community the commitment to ensure disposal of waste material will be implemented responsibly. Please include the "hierarchy" decision-tree graphic currently used at the Environmental Management Waste Management Facility that determines if waste is acceptable.

9. Section 2.10.9, Community Acceptance, Page 2-29, Paragraph 3: Please consider adding a table with the numeric representation that would quickly summarize the number of comments received by categories. Alternatively, this could be added by expanding the second paragraph under Community Acceptance to present this information. Displaying the comments in a tabular manner assists the readers to better understand the breakout of the comments and position taken, whether agree, disagree, etc. For example: a) Comments Supporting EMDF, b) Opposed, 3) Information Incomplete to Provide a Comment, 4) Other Information Requested Not Associated with the EMDF Decision under CERCLA.

10. Section 2.10.9, Community Acceptance, Page 2-30, Paragraph 1: Please add the City of Oak Ridge (host city) as providing concerns about the landfill and the Proposed Plan, if these comments were submitted separately from the Environmental Quality Advisory Board (EQAB).

11. Section 2.10.10. NEPA Values, Page 2-32, Paragraph 2: Please reference Executive Order 12898-Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations and add more information regarding the DOE's environmental justice assessment regarding air deposition from EMDF landfill operations and the impact to nearby communities.

12. Section 2.14.1, Impacts to Reindustrialization, Page, 2-56, Paragraph 1: Include general text that presents the economic relationship between DOE, CROET and the City of Oak Ridge regarding reindustrialization and how the city participates in the reindustrialization decision-making at the DOE site.

13. Part 3, Responsiveness Summary, Page 3-3, Bullet 6: Please add the date(s) of the tours provided for the EQAB and the Tennessee Citizens for Wilderness Planning.

14. Summary of Comments and Responses, Page 3-4: If comments were issued separately by the City of Oak Ridge that were not included with the Oak Ridge Environmental Quality Advisory Board, please add them.

15. Summary of Comments and Responses, Page 3-5: If comments were issued separately by the City of Oak Ride that were not included with the Oak Ridge Environmental Quality Advisory Board, please add a reference to those City of Oak Ridge comments as also submitted.

16. Summary of Comments and Responses, Geology and Rainfall, Page 3-6, Paragraph 4: Clarify the text regarding rainfall as the historical average rainfall of 54 inches/year but in recent years that has increased to 77 inches/year. Provide information on any potential climate change forecasting associated with the selected remedy and impacts on the community.

17. Response to Comment, Page 3-57, Bullet 3: Add text that provides summary information from the Technical Memo 1 and 2, since this information was not formally presented in detail during the public comment period or at the Proposed Plan meeting.

18. The "Summary of Comments and Responses" presented the comments from 194 individuals' comments and DOE's response. In summary, the DOE identified the four general areas of supportive comments and responded to supportive comments with a standard response. Many of the unsupportive or opposing comments requested additional information, and "many of the comments addressed the following concerns:
    - "Opportunity to review and comment on the waste acceptance criteria (WAC) prior to issuing with the ROD'
    - Concerns with mercury-contaminated waste
    - Need for waivers for regulatory compliance
    - Oak Ridge's underlying geology and rainfall
    - Overestimation of offsite disposal cost and risk
    - Impact of hazardous waste disposal site in Oak Ridge on home values and attracting people/businesses to Oak Ridge."

    The DOE developed a standard response addressing each of the above concerns. In some cases, the public comment or concern was addressed using the standard language developed for the above outlined subject(s). In some cases, the DOE provided standard responses with additional language specific to the public comment. In other instances, the DOE response may have partially addressed the comment, but the response may not have been transparent.

    The following responses were identified as deficient and the standard DOE responses provided did not address the subject or concern(s) of the public comment: Comments 114, 144, 149, 155, and 180.

19. The following responses are insufficient and additional information is suggested:
    a. Comment 115: The response does not address the citizen's concern. For example, the DOE chose not to respond to the statement that, "Choosing a solution before all ground water impact testing is complete (per David Adler) suggests that a decision has already been made regardless of environmental impact." The response should explain why shipping wastes to an area with an extremely low water table would not be preferable.
    b. Comment 117: The response does not address the request for a required environmental impact statement (similar to Comment 128) and provides an insufficient response to questions regarding hydrogeology. Also, a better response to the reference to inappropriate disposal of waste at the EMWMF is to acknowledge these instances occurred and identify corrective measures implemented to preclude future occurrences.
    c. Comment 118: The response does not address concerns that engineering design components (diversion structures, the gravel drains, the pipes, the liners, the caps) can be expected to fail. Also, a better response to the reference to inappropriate disposal of waste is to acknowledge these instances occurred and identify corrective measures implemented to preclude these occurrences in the future (similar to EPA review of response to Comment 117). DOE should provide an explanation of why the Country Club Estates, did not experience direct DOE outreach efforts prior to issuance of the Propose Plan as other residents or organizations, since this community is nearest to the selected site.

The DOE should revisit the response regarding the BCV ROD future use designation compared to setting remediation levels for cleanup for uncontaminated areas. Modify the DOE response to acknowledge site-specific characterization for Site 7c to fully support the selected remedy was not conducted at the time of the RI/FS, although generalized characterization information existed for Bear Creek Valley; however, information obtained from the Field Sampling Plan and reported in Technical Memorandum 1 and Technical Memorandum 2 provides more site information, but was not clearly presented in the Proposed Plan (and the need for a post-ROD groundwater field demonstration across Site 7c). Discuss the approach to mercury disposal being discussed between the FFA parties.

d. Comment 120: The DOE response did not address the concern regarding the location of the EMDF outside of areas already designated for possible waste management and is not consistent with the community's plan for future use of the area. Please revise the DOE response.
e. Comment 122: The response does not address socioeconomic concerns or address the request for a cost-benefit analysis.
f. Comment 124: The response does not address socioeconomic concerns.
g. Comment 128: The response does not address concerns regarding siting, harm to an undisturbed area, or proximity of residences.
h. Comment 129: The response does not address the preference for disposal in a dry area (such as Utah).
i. Comment 130: The response does not address the preference for disposal in a dry area (such as Utah).
j. Comment 132: The response does not address concerns regarding siting or mercury contamination.
k. Comment 134: The response does not address concerns regarding unstable geology, elevated groundwater, or proximity to major population centers.
l. Comment 135: The response does not address concerns regarding the preference for disposal elsewhere.
m. Comment 136: The response does not address concern of having waste disposed elsewhere (Yucca Mountain) and quality of life.
n. Comment 137: The response does not address concern of having waste disposed in an uncontaminated area and the desire for waste to be disposed in western states.
o. Comment 138: The response does not address concern regarding the performance of the liners and impact with landfill close to residence.
p. Comment 146: The response does not address concern of impact to downstream communities and comparison with municipal landfills. The DOE response should acknowledge some inappropriate disposal occurred and identify corrective measures implemented to preclude these occurrences in the future (similar to EPA review of response to Comment 117).
q. Comment 147: The response does not address the concerns regarding mercury contamination.
r. Comment 154: The response does not address the concerns regarding mercury contamination.
s. Comment 155: The response does not address the concerns of well water contamination and shipment to a western facility (Utah).
t. Comment 156: The response does not address the concerns of the water table being close to the surface and shipments to a western facility (Utah).

u. Comment 160.2: The response does not address the concerns of site selection and the lack of characterization not presented at the time of site selection. Modify the DOE response to acknowledge site-specific characterization for Site 7c to fully support the selected remedy was not conducted at the time of the RI/FS, although generalized characterization information existed for Bear Creek Valley; however, information obtained from the Field Sampling Plan and reported in Technical Memorandum 1 and Technical Memorandum 2 provides more site information, but may not have been clearly presented in the Proposed Plan. Modify the DOE response to acknowledge site-specific characterization for Site 7c to fully support the selected remedy was not conducted at the time of the RI/FS, although generalized characterization information existed for Bear Creek Valley; however, information obtained from the Field Sampling Plan and reported in Technical Memorandum 1 and Technical Memorandum 2 provides more site information, but may not have been clearly presented in the Proposed Plan.
v. Comment 160.11: The response does not address the concerns including, but not limited to underdrains, mercury contamination, or separation of waste from groundwater.
w. Comment 160.17: The response does not address the comment. For example, the citizen requests an update on when the Environmental Management Waste Management Facility will be 100 percent full and the current contingency plan if this Proposed Plan is not approved by that time. None of the numerous and detailed technical concerns are addressed.
x. Comment 162: The response does not fully address the concerns regarding future rainfall amounts and how this may impact the design.
y. Comment 165: The response does not fully address the comment. Additional response is warranted.
z. Comment 167: The response does not address concerns regarding hydrogeology or the use of underdrains.
aa. Comment 168.24: The comment warrants a response to clarify the status of the Administrative Record supporting the proposed plan.
bb. Comment 174: The response does not fully address the comment.
cc. Comment 175, Part 2: The DOE does not provide a response to Part 2 of the comment.
dd. Comment 179: The response does not adequately address the comment, including the proximity of residences with private wells. Additional response is warranted.
ee. Comment 184: The response does not address several items including: 2.d (PDF page 292), 2.e (PDF page 292), 2.b (PDF 294), and 2.c (PDF 294).

End of Comments