EPA Comments on the Oak Ridge Reservation EMDF D1 ROD
Summary Topics Addressed in EPA Comments

1. **Deficiencies in the D1 ROD delay EPA's ability to evaluate whether the remedy is protective and complies with ARARs.** (EPA is aware that this information is being developed).
    a. The ROD lacks limits for radionuclides in surface water,
    b. does not provide sufficient information on the volume and activity of radionuclides and mercury that will be disposed in the EMDF,
    c. and does not include all the ARARs required to be met by the landfill remedial action, including those in the December 31, 2020 Administrator Wheeler.
2. **CWA as ARAR**. The D1 ROD does not clearly state that the Clean Water Act (CWA) is an ARAR for radiological discharges, per the wastewater dispute decision (Wheeler, 12/31/20). The ROD cites NRC regulations as the ARARs being used for purposes of wastewater discharge effluent limits, but omits CWA regulations.
3. **Limits for radionuclides in surface water** are needed. EPA emphasized any deviation from CWA guidance or defaults must be scientifically support and well justified.
4. **Summary of Waste Acceptance Criteria** is needed.
5. **Mercury management approach** (anti-degradation issue).
6. **Climate change.** The ROD includes an evaluation of greenhouse gas emissions related to transporting waste for the offsite disposal alternative but does not discuss/address the potential impacts of climate change on the proposed remedy, including potential changes in rainfall, storm events and hydrologic conditions, and does not discuss climate resiliency. The details of climate resiliency measure can be addressed in the design and construction of the remedy.
7. **The 2021 FFS** should be revised, per EPA and TDEC comments on the D3, and approved prior to issuance of the D2 EMDF ROD.
8. **Changes to land use**. The ROD makes changes to land use designations for parts of Bear Creek valley. Land uses were established in the 1998 End Use Working Group report and utilized in other DOE decision documents. Specifically, the ROD would change the land use of central Bear Creek Valley from recreational (short term) and unrestricted (long term) to "DOE-controlled industrial." The ROD also changes the land use designation for western Bear Creek Valley, from unrestricted to "restricted recreational." EPA further emphasized land use controls are not a basis for remedy selection.
9. **TN surface water classification**. DOE's land use changes do not over-ride or affect Tennessee's recreation use classification.
10. **Public Involvement**. The public has not had an opportunity to comment on a landfill based on a higher-than-projected water table or limits for radionuclide in surface water. EPA and TDEC have determined, and DOE has agreed, that the EMDF ROD merits additional public comment on new information developed since the September 2018 Proposed Plan, specifically the WAC, limits for radionuclides and mercury in surface water, and groundwater elevation at the proposed site location. Resulting public comments and responsiveness should be included in the final ROD.
11. **Effects of land clearing on environment**. Impacts of clearing forested land, altered surface water hydrology and wetlands filling, such as impacts to flooding and riparian systems, are not discussed.
12. **Inadequate analysis of environmental justice.**
13. **Incomplete responses to some of the public comments.**
14. **Lack of information about landfill wastewater management and treatment.**
15. **ARAR comments.**

SEMD 9/30/21