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**From:** Bob Martineau [Bob.Martineau@tn.gov]  
**Sent:** 7/25/2017 1:53:24 PM  
**To:** Kelly, Albert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=08576e43795149e5a3f9669726dd044c-Kelly, Albe]  
**CC:** Heard, Anne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d59cb51e917143c8aa336b51200aca2f-Heard, Anne]; Wagner, Kenneth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=048236ab99bc4d5ea16c139b1b67719c-Wagner, Ken]; Barbery, Andrea [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e219352056ea405a97c93fd9756ceb2b-ABarbery]  
**Subject:** Dept of Energy - Oak Ridge Cleanup efforts - new landfill proposal  
**Attachments:** TDEC-EPA DRC Position.pdf

Kell,

It was a pleasure to meet you and Ken Wagner and many other of the new leadership team at EPA during our ECOS session last Tuesday morning and at the ECOS meeting on Monday. We most appreciate your commitment to building an improved partnership relationship with the state environmental agencies and I look forward to further efforts and discussions on that effort.

Anne and I appreciated the opportunity to give you a heads up from our perspective on the issue related to the ongoing cleanup activities at the DOE Oak Ridge complex in Tennessee. As promised, below and attached is a bit more information on the nature of the dispute. A significant effort to clean up the legacy wastes containing radioactive materials, mercury and other contaminants. We have been working with DOE thru many issues over the years to keep that cleanup effort moving forward as quickly as budgeted money allows. Unlike some states (e.g Washington), we did not sue DOE and enter a consent decree to set out the cleanup requirements, but rather entered into a Federal Facilities Agreement.

Currently much of the waste being cleaned up is remaining on site in a landfill that was built many years ago. To avoid shipping all the waste out west and incurring those upfront costs, DOE would like to build a second landfill on the site to handle wastes when the current landfill capacity is reached in approximately 2024. While there are those who disagree with keeping the waste on site, EPA and TDEC have both agreed to a second landfill on site, but want to ensure that the landfill is designed in a state of the art safe manner at the best location at the site and that we ensure only those wastes suitable for onsite disposal stay on site. (None of the sites are ideal at the property from what we have ascertained and if this was a commercial landfill, it would not likely be sited in this area). DOE has balked at doing some of the basic things to provide that assurance but wants to proceed with a Proposed Plan for public comment on a second landfill. While EPA and TDEC staff had all but negotiated a path forward and gave several options to DOE to move forward, DOE invoked a formal dispute under our Federal Facilities Agreement. The first level effort to resolve was unsuccessful.

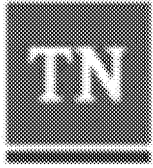
This Thursday, Acting Region 4 Administrator Anne Heard, I and Jay Mullis, the senior DOE person at the site, are meeting to see if we can resolve the issue in accordance with the dispute resolution provisions of the federal facilities agreement. Attached is a statement of the basic dispute being presented to us. If we are unable to resolve on Thursday in unanimous agreement, then Anne Heard has the authority to make a decision, which if not accepted one of the other parties can appeal to the Administrator.

Please do not hesitate to contact me if you have any questions. Thank you for your interest in this matter.

Best regards  
Bob



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