

# COVENANT DEFERRAL REQUEST

**FOR THE PROPOSED TRANSFER OF THE  
K-1008-F BUILDING AT THE EAST TENNESSEE  
TECHNOLOGY PARK  
OAK RIDGE, TENNESSEE**

**DRAFT FOR PUBLIC  
REVIEW**

**July 2008**



This document is approved for public release per review by:

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*1/31/07*

BJC ETTP Classification and Information  
Control Office

Date



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ATTACHMENT A - ENVIRONMENTAL BASELINE SURVEY REPORT FOR THE  
TITLE TRANSFER OF BUILDING K-1008-F



**Draft Covenant Deferral Request for the Proposed  
Transfer of Building K-1008-F at the East Tennessee  
Technology Park, Oak Ridge, Tennessee**

**Introduction**

The United States Department of Energy (DOE) is proposing to transfer one building (hereinafter referred to as “the Property”) designated as Building K-1008-F at East Tennessee Technology Park (ETTP) in Oak Ridge, Tennessee, by deed, and is submitting this Covenant Deferral Request (CDR) pursuant to Section 120(h)(3)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, and applicable U. S. Environmental Protection Agency (EPA) guidance. The Oak Ridge Reservation (ORR), which includes ETTP, was placed on the National Priorities List (NPL) in November 1989. Environmental investigation and cleanup activities are continuing at ETTP in accordance with CERCLA, the National Contingency Plan (NCP), and the Federal Facility Agreement (FFA). The FFA was entered into by DOE-Oak Ridge Office (ORO), EPA Region 4, and the Tennessee Department of Environment and Conservation (TDEC) in 1991. The FFA establishes the schedule and milestones for environmental remediation of the ORR.

The proposed property transfer is a key component of the Oak Ridge Performance Management Plan (ORPMP) for accelerated cleanup of the ORR. DOE, using its authority under Section 161(g) of the Atomic Energy Act of 1954 (AEA), proposes to transfer the Property to the Heritage Center, LLC, a subsidiary of the Community Reuse Organization of East Tennessee (CROET), a 501(c)(3) not-for-profit corporation established to foster the diversification of the regional economy by re-utilizing DOE property for private-sector investment and job creation.

The Building K-1008-F transfer footprint is composed of the office building itself and the attached heating, ventilating, air-conditioning, and sprinkler equipment located outside the building, as well as a small apron of land of about 0.12 acres for access-related purposes around the building. The northern portion of this building was constructed in 1975 as a change house for personnel working on the Gas Centrifuge Project and was designated as K-1008-E. In 1980, Building K-1008-F was built immediately south of K-1008-E to expand the change house facilities. In 1989, K-1008-E and K-1008-F were combined and renovated to house two research (luminescent measurement and laser technology) laboratories and various offices. The building was designated K-1008-F. In the late-1990s, the research labs were closed, and Building K-1008-F was renovated into offices. In December 2006, after preparation of a Baseline Environmental Analysis Report (BEAR) [BJC/OR-2554] (BJC 2006a) to satisfy the requirements of the FFA and CERCLA 120(h), the building was leased by DOE to the Community Reuse Organization of East Tennessee (CROET). The building is used for office purposes.

DOE would continue to be responsible for any contamination resulting from DOE activities that is present on the property at the time of transfer but found after the date of transfer. The deed transferring the Property contains various restrictions and prohibitions

on the use of the Property that are subject to enforcement pursuant to State Law Tennessee Code Annotated (T.C.A.) 68-212-225. These restrictions and prohibitions are designed to ensure protection of human health and the environment.

CERCLA requires that when the Federal government transfers property where hazardous substances have been stored for one year or more, released, or disposed of, the deed must contain two covenants warranting that 1) all remedial actions necessary to protect human health and the environment from hazardous substances remaining on the property have been taken before the date of the property transfer [CERCLA 120(h)(3)(A)(ii)(I)], and 2) any additional remedial action found to be necessary after the date of the property transfer shall be conducted by the United States [CERCLA 120(h)(3)(A)(ii)(II)]. The deed will contain this last covenant. However, in certain circumstances, EPA, with concurrence of the Governor of the State in which the facility is located, may defer the covenant set forth in CERCLA 120(h)(3)(A)(ii)(I) warranting all remedial actions necessary to protect human health and the environment have been taken. In order for EPA to defer the covenant requirement in CERCLA 120(h)(3)(A)(ii)(I), CERCLA Section 120(h)(3)(C) requires that the EPA determine that the property is suitable for transfer based on the following findings:

1. The property is suitable for transfer for the use intended by the transferee, and such use is consistent with protection of human health and the environment;
2. The deed proposed to govern the transfer between the United States and the Grantee of the property contains the Response Action Assurances described in Section 120(h)(3)(C)(ii) of CERCLA with regard to a release, or threatened release, of a hazardous substance for which the Federal agency is potentially responsible, including:
  - a) Provide for any necessary restrictions on the use of the property to ensure the protection of human health and the environment;
  - b) Provide that there will be restrictions on use necessary to ensure that required remedial investigations, response actions, and oversight activities will not be disrupted;
  - c) Provide that all necessary response actions will be taken, and identify the schedules for investigation and completion of all necessary response actions as approved by the appropriate regulatory agency; and
  - d) Provide that the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response actions, subject to congressional authorizations and appropriations.

3. The Federal agency requesting deferral has provided notice by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit, within a period of not less than 30 days after the date of notice, written comments on the suitability of the property for transfer; and
4. The deferral and the transfer of property will not substantially delay any necessary response action at the property.

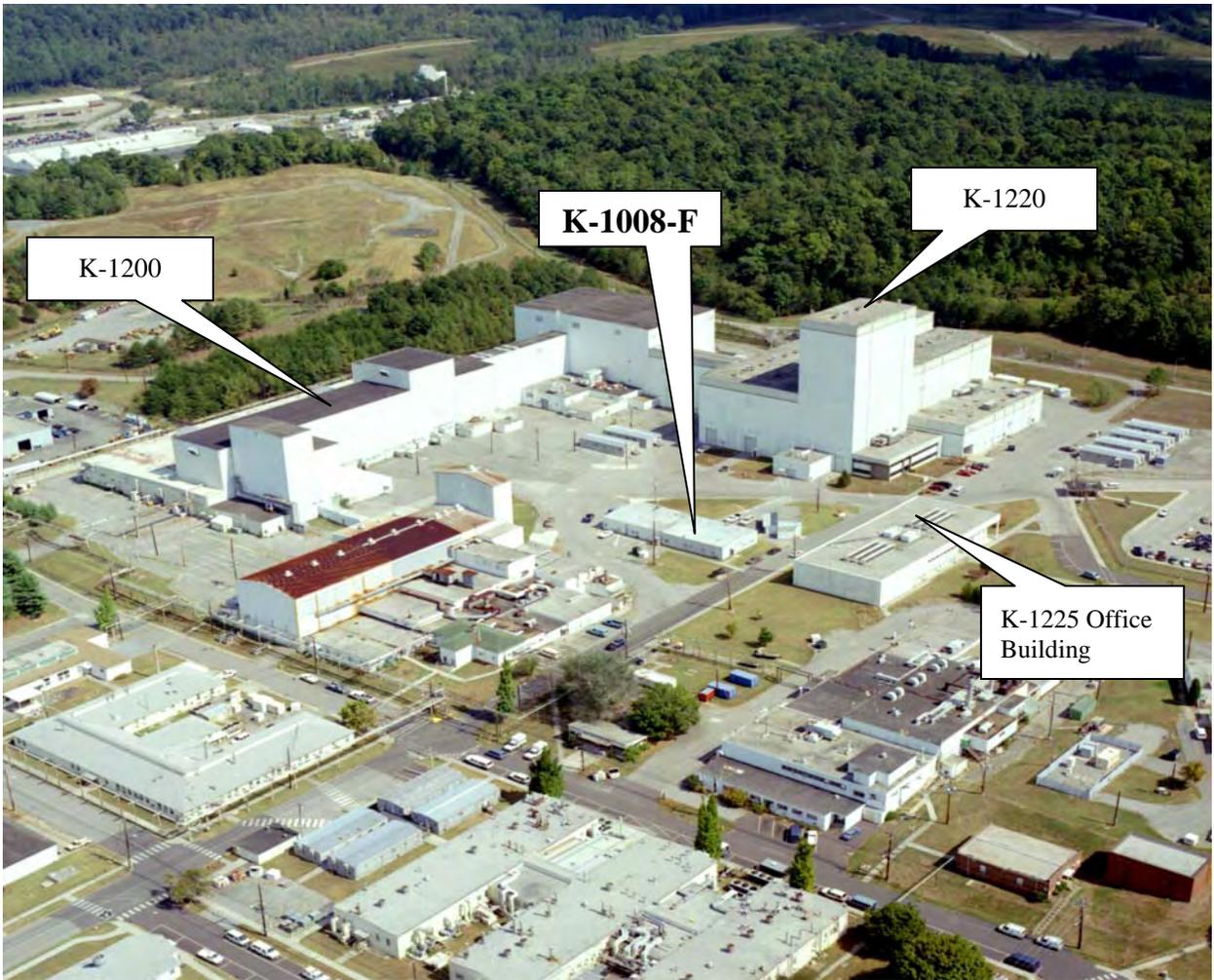
These findings are intended to ensure that there is a sound basis for the proposed transfer because the intended reuse of the property does not pose an unacceptable risk to human health or the environment. As stated in CERCLA Section 120(h)(3)(C)(iv), all statutory obligations required of and rights granted to a Federal agency remain the same, regardless of whether the property is transferred subject to a covenant deferral.

DOE hereby requests that the Regional Administrator for EPA Region 4 determine, with the concurrence of the Governor of the State of Tennessee, that the Property is suitable for transfer and that the CERCLA Section 120(h)(3)(A)(ii)(I) covenant may be deferred. Once the deferral request is granted, DOE will proceed to convey the Property while DOE continues to complete all necessary remediation at the ETTP site in accordance with CERCLA, the NCP, and the FFA. In accordance with CERCLA Section 120(h)(3)(B), this covenant deferral request pertains solely to the transfer of this Property or any portion thereof to a non-Potentially Responsible Party.

## **1.0 Property Description**

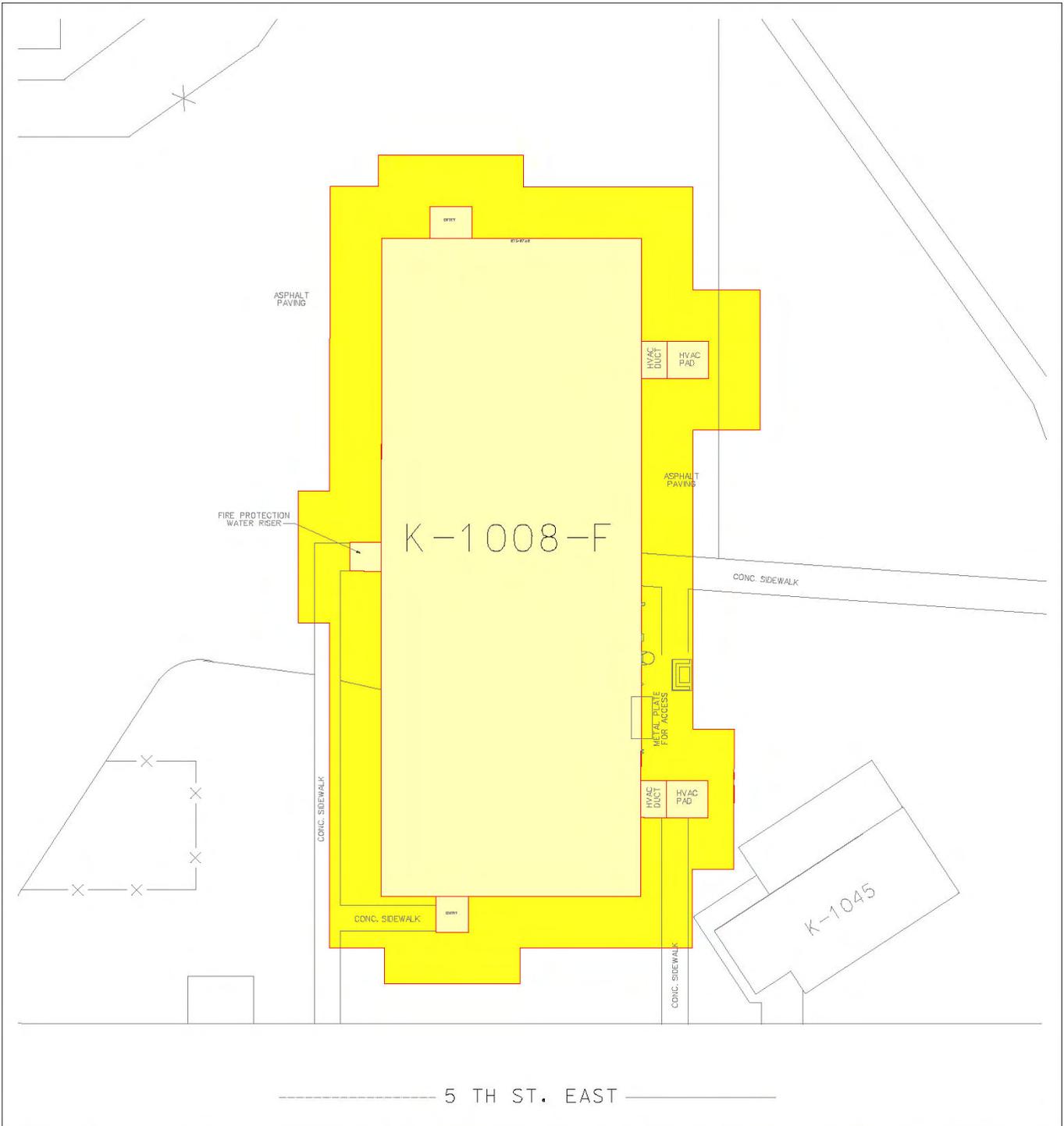
The Property proposed for transfer by deed consists of a one-story, steel-framed structure with metal siding and roof on a concrete slab foundation, its underlying fee (i.e., the land lying beneath the building structure), and a small apron of land of about 0.12 acres for access-related purposes around the building [Figures 1 and 2]. The building was constructed in 1975 and is located within the property protection fence in the southeastern portion of the ETTP. The building is divided into offices, restrooms in the center of the building, and conference rooms on the north and south ends. It is presently leased to CROET and is used for office purposes.

Also included in the transfer footprint are the building-associated heating/ventilation, air-conditioning, and sprinkler units.



**Figure 1. Building K-1008-F**

The ETTP is located on the ORR within the City of Oak Ridge in Roane County, Tennessee, and is owned by the U. S. Government and managed by Bechtel Jacobs Company LLC (BJC). Prior to construction of the ORGDP, the area was used as farmland. For many years, the DOE enriched uranium at the ORGDP. However, uranium enrichment operations at the site have been shut down since the mid-1980s. ORO is now performing cleanup at ETTP in preparation for its closure as a DOE site. At the same time as cleanup, ETTP is being developed into a private-sector, brownfield industrial park. General descriptions of the Property are contained in the Environmental Baseline Survey (EBS), which is included as Attachment A and summarized below.



	<p><b>LEGEND</b></p> <p><span style="display: inline-block; width: 20px; height: 10px; background-color: #ffffcc; border: 1px solid black; margin-right: 5px;"></span> K-1008-F FACILITY</p> <p><span style="display: inline-block; width: 20px; height: 10px; background-color: #ffff00; border: 1px solid black; margin-right: 5px;"></span> K-1008-F TRANSFER FOOTPRINT</p>	<p><b>TETRA TECH</b>          OAK RIDGE, TENNESSEE          6/23/08 1203 28 map2 LP 01 r2.dgn</p>
	<p><b>K-1008-F          BUILDING LAYOUT PLAN</b></p>	

**Figure 2. Transfer footprint for the K-1008-F Building**

## **2.0 Nature/Extent of Contamination**

In accordance with CERCLA Section 120(h), reviews of government records, title documents, and aerial photographs, visual and physical inspections of the Property and adjacent properties, and interviews with current and former employees were conducted to identify any areas on the Property where hazardous substances and petroleum products or their derivatives were stored for one year or more, known to have been released, or disposed of. Additionally, radiological surveys were conducted to assess the radiological condition of the Property, and soil vapor sampling and soil sampling were conducted. The details of these evaluations, including discussions of the nature and extent of contamination, are presented in Section 6.0 of the EBS Report (Attachment A). The findings of the evaluations are summarized in Subsections 2.1 through 2.2 below.

For the purposes of CERCLA clean-up, ETTP has been divided into two zones, Zone 1 and Zone 2. Each zone is subdivided EUs, smaller areas designed to aid in decision-making as they provide reasonable areas for defining probable areas of exposure to a future industrial user. Zone 1 comprises approximately 1,400 acres outside the fenced main plant area. Zone 2 contains areas within the main plant. Zone 2, EU-42, which is the area where Building K-1008-F is located, has been characterized under the Zone 2 Dynamic Verification Strategy (*Remedial Action Work Plan for Dynamic Verification Strategy, East Tennessee Technology Park, Oak Ridge Tennessee, DOE/OR/2182&D2*). The results of the investigation indicated No Further Action (NFA) required for the K-1008-F area based on radiological surveys and sampling of soils and slabs conducted throughout EU-42 in Zone 2, which includes the K-1008-F transfer footprint (DOE, 2007 PCCR).

### **2.1 Evaluation of Potential Contamination in the Building K-1008-F Transfer Footprint**

A review of historical information was conducted in addition to performing radiological surveys and soil vapor sampling. The results of the evaluation are noted below. A risk evaluation was also prepared, the results of which are summarized in Section 4.0, "Risk Evaluation Results."

- A review of historical information concluded that in the 1940s and 1950s the area where K-1008-F is now located was used for warehouses. From 1958 until 1977, a fire training tower where waste oils were burned to train fire responders was located on the pad that remained from one of the warehouses. Following demolition of the warehouses and fire training tower, a change house was located on the site. In 1989, the facility was renovated and was used to house two research laboratories and a small industrial hygiene laboratory, as well as various offices. In the late 1990s, the research labs were closed, and the building was renovated for use as office space. In 2006, the building was leased to CROET and is used for office purposes.
- The presence of lead-based paint is considered a possibility due to the pre-1978 date of construction. The paint is in good condition.

- Radiological surveys conducted to support transfer found that the K-1008-F study area had no areas of elevated radioactivity present above DOE contamination limits (DOE Order 5400.5). The study area included the transfer footprint and additional land areas immediately adjacent to the transfer footprint.
- Current groundwater plume maps indicate the potential presence of volatile organic compounds (VOCs) in groundwater within 300 ft to the north of Building K-1008-F. Also, a groundwater plume in the anticipated downgradient direction from K-1008-F has been interpreted to exist approximately 100 ft west of K-1008-F. The possibility of transport of a VOC plume through the flowpaths beneath K-1008-F cannot be completely discounted based on the available data. Therefore, the soil vapor in the area was sampled.
- Sub-slab soil vapor samples were collected during September of 2006 and February of 2007 to determine if a potential source for VOCs exists under the transfer footprint. Based on the results of the two sampling events, the vapor intrusion pathway is not considered complete beneath the transfer footprint.
- An assessment of soil data collected from the K-1008-F study area indicated that no constituent had detected concentrations greater than Zone 2 Record of Decision (ROD) remediation levels (RLs) or industrial preliminary remediation goals (PRGs) for soil.

Based on a review of historical information and analysis of results for radiological surveys, soil sampling, and soil vapor sampling conducted for Building K-1008-F, the transfer footprint is suitable for transfer. This evaluation is based on an assumption that the intended future use of the property will be limited to industrial activities (e.g., offices).

## **2.2 ETTP Soil and Groundwater Contamination**

As of the end of FY 2007, of the 2,200 acres within Zones 1 and 2 at ETTP, approximately 1,800 acres had been characterized. To support characterization activities, over 2,100 soil samples have been collected and evaluated by EM. These activities have resulted in determinations of “No Further Action” for approximately 1,240 acres of the 2,200 within the zones. Zone 2 EU-42, where K-1008-F is located, has been characterized under the DVS process (as described in Section 2.0, above) to determine if the acreage meets the remedial action objectives as defined in the Zone 2 ROD [*Record of Decision for Soil, Buried Waste, and Subsurface Structure Action in Zone 2, East Tennessee Technology Park, Oak Ridge, Tennessee, DOE/OR/01-2161&D2*]. Almost all of the acreage in the EU, including the transfer footprint, has been classified as Class 3 for purposes of the DVS process. A Class 3 classification indicates a high level of confidence that there is no contamination in the area that would pose a risk to the industrial worker. A Technical Memorandum<sup>1</sup> has been written to document the data and risk analysis for the EU. The draft Technical Memorandum indicated no contamination at levels above action criteria,

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<sup>1</sup> *Fiscal Year 2006 Phased Construction Completion Report for the Zone 2 Soils, Slabs, and Subsurface Structures at East Tennessee Technology Park, Oak Ridge, Tennessee, DOE/OR/01-2317&D2, December 2006.*

and all of the EU will be recommended for No Further Action except for an action at the K-1004-J lab southwest lawn. This area is approximately 400 feet to the west of K-1008-F and will not impact activities in the transfer footprint. Similarly, the transfer of the K-1008-F transfer footprint will not impact the response action on the K-1004-J lab southwest lawn. Once remedial action is complete, the final status of the EU will be documented in a Zone 2 Phased Construction Completion Report or the Zone 2 Remedial Action Report.

The ETTP site has known contaminated groundwater plumes (consisting mainly of VOCs with concentrations ranging from a high of approximately 15 parts per million in the far northeast portion of the site to non-detectable concentrations) that resulted from past operations. Hydrogeologic characterization data for the Building K-1008-F transfer footprint are somewhat limited because currently no groundwater monitoring wells exist in the immediate vicinity of this area, and no subsurface investigations of groundwater have been conducted. Much of the hydrogeologic characterization data for the Building K-1008-F transfer footprint reflect general information interpolated from available ETTP and ORR investigations. There are currently three groundwater monitoring wells within 250 feet of the K-1008-F transfer footprint. Bedrock was encountered at depths of 21.5 and 19 feet below ground surface (bgs) at wells BRW-050 and BRW-051, respectively, which are the wells located nearest to the Building K-1008-F transfer footprint (approximately 70 to 200 feet west). The hydrogeologic characterization data for the Building K-1008-F transfer footprint are partly based on the data from these wells and partly based on interpolation from available ETTP sitewide information.

It is not known whether groundwater is contaminated beneath the Building K-1008-F transfer footprint; however, the nearest side-gradient well (BRW-050), located approximately 70 feet west of the transfer footprint, does not contain VOCs. A groundwater plume in the anticipated downgradient direction from the K-1008-F transfer footprint has been interpreted to exist approximately 100 feet west of the transfer footprint. These plumes occur in bedrock, and groundwater flowpaths in bedrock are difficult to determine due to the complex geology and geologic structure underlying ETTP. Thus, based on observed contaminant distributions and hydrogeologic controls, the possibility that VOCs could be transported via groundwater flow to the area of the Building K-1008-F transfer footprint cannot be ruled out. It should be noted that the only VOC detected above a federal primary drinking water maximum contaminant level (MCL) in the monitoring wells located nearest to the Building K-1008-F transfer footprint was trichloroethene (TCE). In general, VOC concentrations in the monitoring wells downgradient of the transfer footprint exhibit decreasing concentration trends.

### **2.2.1 Vapor Intrusion Sampling**

Because of the occurrence of VOCs in known contaminated groundwater plumes at ETTP, EPA Region 4 recommended investigation of the potential vapor intrusion pathway for site facilities that are targeted for transfer under a CERCLA Section 120(h) CDR. In accordance with EPA's *Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils* (EPA530-F-02-052, November 2002), and through consultation with representatives from EPA Region 4, ORO developed a

process to evaluate the potential for vapor intrusion at ETTP properties to be transferred to the private sector. The process is described in detail in Section 4.4, *Evaluating the Potential for Vapor Intrusion at East Tennessee Technology Park Facilities Targeted for Transfer*, of the EBS report for the Property (Attachment A). ORO, EPA Region 4, and TDEC have agreed that vapor intrusion will be addressed in the ETTP final Sitewide ROD. Therefore, evaluation of the vapor intrusion pathway for the Building K-1008-F transfer footprint was performed to ensure that transfer is protective of human health and the environment prior to completion of the Sitewide ROD.

In accordance with this process, in the fall of 2006 and winter of 2007, ORO collected soil vapor samples through the sub-slab to evaluate the potential vapor intrusion pathway. The evaluation of the sampling results indicates that the vapor intrusion pathway is not complete.

### **2.3 ETTP Building Demolition Activities**

As part of the accelerated cleanup of the ETTP, numerous facilities are being demolished. Though no building demolition is planned for the K-1008-F transfer footprint, the demolition planning and execution will include appropriate work controls that will be utilized to minimize and control the release of hazardous substances during demolition activities, such that surrounding properties and persons are protected.

### **3.0 Analysis of Intended Land Use During the Deferral Period**

The Property proposed for transfer is situated within an industrial facility (ETTP) that is owned by the Federal government. As stated previously, the ETTP is being remediated to allow for its conversion to a brownfield industrial park. The Property proposed for transfer is currently used for office space. It is expected that future use of the Property will continue to be compatible with building design and infrastructure and that the Property will be used for activities similar to those conducted in the buildings in the past (e.g., office work, meetings, training, etc.). However, the terms of the proposed transfer would allow construction or replacement of the existing structures. A risk evaluation was performed to determine whether the property is acceptable for transfer for industrial uses by the private sector. The results of the risk evaluation are presented in Section 4.0 below.

### **4.0 Risk Evaluation Results**

EPA Guidance presumes that the CDR includes the results of a completed Remedial Investigation (RI) and Risk Assessment (RA). The Guidance allows for the transferring federal agency to demonstrate why a completed RI or RA is not necessary before the land is transferred.

The risk evaluation process for the K-1008-F transfer footprint analyzed the potential for adverse health effects associated with the building and soils. The soil evaluation

utilized a comparison with established health-protective soil concentrations to estimate potential risks and hazards. The evaluation of building surfaces requires a full risk calculation because there are no nationally available PRGs (remedial goals which are health-protective) for buildings. The risk evaluation process for both soil and building surfaces is described in detail below.

The evaluation of risk followed a process which includes screening the site data against nationally available and health-protective PRGs, as well as the RLs developed for the ETPP Zone 2 soils ROD to determine the need for a full risk calculation. The calculation of risk is conducted only when a constituent or several constituents exceed PRGs, indicating the potential for elevated risks, or where no nationally recognized PRGs were available for the exposure scenario being considered.

In accordance with EPA guidance on performance of risk evaluations, because the reasonably anticipated land use is industrial, a residential risk screen was not performed. Since the building will be used for industrial purposes, the representative exposure scenario considered for the risk evaluation was for an industrial worker. The industrial worker scenario evaluated an individual who spends time doing light industrial activities or office work within the building and who is also exposed to soils associated with the Building K-1008-F study area (which includes the transfer footprint and adjacent land areas).

### **Building Interior**

Because no nationally recognized PRGs are available for building surfaces, it was assumed that all constituents should be evaluated, and a full risk calculation was performed for the industrial worker exposed to the interior surfaces of the building. The risk calculations for the K-1008-F building were based on the reindustrialization radiological survey data collected within the building.

The EPA has established a generally acceptable target risk range of E-04 to E-06 and a generally acceptable HI of 1. The risk is a value that represents the excess cancer incidence that might be expected due to the particular exposure scenario evaluated. The HI is a value that represents the potential for toxic effects to an exposed individual. Results of the risk calculations were compared to the EPA range to determine the potential for adverse health effects. The risk evaluation for Building K-1008-F (found in Appendix E to Attachment A of the CDR) indicates that all risks, doses, and hazards are within EPA's generally acceptable risk range, which correlates with a low likelihood of adverse health effects to an industrial worker. Therefore, the Property is considered suitable for transfer for industrial use.

Appendix E of Attachment A Tables E.5.1 and E.5.2 present the risks and doses from exposure to the Building K-1008-F transfer footprint and adjacent area soils for the industrial worker. The table shows that risks were in the E-09 range. The average estimated risk of 2E-09 for the industrial worker is orders of magnitude lower than the target risk range.

## **Grounds Surrounding the K-1008-F Building**

Following the methodology described above, soils associated with the Building K-1008-F study area (which includes the transfer footprint and adjacent land areas) were screened against EPA Region 9 industrial exposure PRG values, as well as RLs developed for the ETTP Zone 2 soils ROD. None of the constituents exceeded their respective PRGs; therefore, a risk calculation was unnecessary and it was concluded that exposure to transfer footprint soils is unlikely to result in adverse health effects based on an industrial worker scenario.

DOE considered risks from exposure to the larger ETTP site through evaluation of a “roving worker” who may access multiple areas at ETTP. The purpose of this effort was to evaluate the risk posed to workers when they are not inside the buildings. The roving worker scenario is considered to be applicable to all facilities at ETTP, including those transferred.

This evaluation was based on certain assumptions, including (1) the worker will not be exposed to areas that are inaccessible due to radiological or other controls, such as fences or other barriers, or postings that prevent casual entry by a worker at a nearby building and (2) there are no “hotspots” of contamination at ETTP that are accessible to these workers.

The results of the roving worker risk screen, which used all available data, show that risks/hazards are within EPA’s acceptable risk range. As a part of the on-going ETTP cleanup, soil data and confirmatory sampling continue to be collected and have been used to support numerous No Further Action decisions in Zone 1. The EM program has completed the DVS process for the area, which includes the K-1008-F transfer footprint (DOE, 2007 PCCR). The results of the EM investigation indicated No Further Action required for the K-1008-F transfer footprint based on radiological surveys and sampling conducted throughout EU-42 in Zone 2 (which includes the K-1008-F transfer footprint).”

## **5.0 Response/Corrective Action and Operation and Maintenance Requirements**

The FFA parties divided the ETTP into two smaller operating units to facilitate site CERCLA decisions. The two operating units are Zone 1 (outside the property protection fence) and Zone 2 (inside the property protection fence). The Building K-1008-F transfer footprint is located in Zone 2. The Zone 2 ROD was signed on April 19, 2005, and the remedial actions are underway.

The Reindustrialization Program has coordinated with the EM Program regarding the need for future sampling. The transfer footprint is located within the larger EM Program’s EU 42 of Zone 2. As stated previously, a review of historic information and analysis of results for soil and soil vapor sampling conducted for the Building K-1008-F transfer footprint concluded that the transfer footprint is suitable for transfer. As a part of their planning and characterization, the EM Program reviewed historic records, the history of facility operations, and historic sample data from Zone 2’s EU 42, which includes the area proposed for transfer. As noted in Section 2.0 above, EU-42, including

the Property, was classified as Class 3, indicating a high level of confidence that there is no contamination in the area that would pose a risk to the industrial worker.

ORO plans to address the key sources to the contaminated groundwater plumes at the site to ensure protection of human health and the environment. The decision for groundwater will also be made through the CERCLA process. The final Sitewide ROD, which will include groundwater, is currently under negotiation. The measures planned to address groundwater contamination are not expected to impact the Property.

In order to ensure the protection of human health by preventing exposure to contaminants present in the groundwater, the deed for the Property prohibits the extraction, consumption, exposure, or use, in any way, of the groundwater without the prior written approval of ORO, EPA Region 4, and TDEC. Additional provisions are included to prevent inadvertent exposure to contaminated groundwater and/or any contamination that could possibly be present in the soils. Such provisions include: requiring the Grantee to adhere to the Grantor's excavation and penetration permit program prior to disturbing soils; requiring adherence to applicable Federal, State, and local laws with respect to any development of the property; and not disturbing the soil in the transfer footprint below 10 feet without the prior written approval of the ORO, EPA Region 4, and TDEC.

Vapor intrusion will be addressed in the final Sitewide ROD, which includes groundwater. After the Property has been transferred, the vapor intrusion pathway may be re-evaluated if the transfer area structure/infrastructure significantly changes, or at the frequency determined as agreed-to between EPA Region 4 and ORO (Section 4.4 of the EBS Report, *Evaluating the Potential for Vapor Intrusion at East Tennessee Technology Park Facilities Targeted for Transfer*), to ensure that protectiveness from the vapor intrusion pathway is maintained until the ROD actions related to vapor intrusion are implemented. If the pre-transfer determination that vapor intrusion does not pose a significant risk changes as a result of such a re-evaluation, ORO will take the necessary actions to ensure protection. Corrective actions such as installation or modification of ventilation systems, installation of engineered containment systems, and removal actions, will be considered in selecting the appropriate remedy. Any new building or structure built on the Property must be designed and constructed to minimize potential exposure of workers to VOC vapors, including the use of engineered barriers as noted in Section 6.1 and in the Quitclaim Deed.

## **6.0 Contents of Deed/Transfer Agreement**

This section includes the Quitclaim Deed clauses and/or exhibits required to enable EPA's determination that the property is suitable for transfer. The following items are included:

- a. Notice – A copy of the notice as required by CERCLA Section 120(h)(1) and (3) and in accordance with regulations set forth at 40 CFR Part 373;

- b. Covenant – A copy of the covenant warranting that any additional remedial action found to be necessary after the date of transfer shall be conducted by the United States as required by CERCLA Section 120(h)(3)(A)(ii)(II);
- c. Access – A copy of the clause that reserves the United States access to the property in any case in which an investigation, response, or corrective action is found to be necessary after the date of transfer as required by CERCLA Section 120(h)(3)(A)(iii); and
- d. Response Actions Assurances – A copy of the response action assurances that must be included in the deed or other agreement proposed to govern the transfer as required under CERCLA Section 120(h)(3)(C)(ii).

## **6.1 Background Introduction**

The Quitclaim Deed for the Property includes various prohibitions and restrictions intended to ensure that the proposed transfer is protective of human health and the environment. In addition, as a matter of policy and in accordance with the National Environmental Policy Act Environmental Assessment (EA), *Final Environmental Assessment for Lease of Land and Facilities Within the East Tennessee Technology Park, Oak Ridge, Tennessee*, DOE/EA-1175, and its Addendum, *Environmental Assessment Addendum for the Proposed Title Transfer of East Tennessee Technology Park Land and Facilities*, DOE/EA-1175-A, for the proposed lease and transfer of ETTP land and facilities, the deed prohibits the use of the Property in a manner inconsistent with the land use assumptions of “industrial use.” Industrial use is defined by the Zone 2 ROD as potential exposure to surface conditions down to 10 feet below ground surface for 2,000 hours/year for 25 years. Further, under the EA, the allowable property uses are industrial and are as follows: 1) light and heavy manufacturing and processing plants; 2) research and development facilities; 3) laboratory services; 4) waste management including recycling, waste treatment, and packaging; 5) warehousing and wholesaling facilities; 6) public or semipublic utility structure or related use; 7) offices, excluding any on-site daycare facilities; and 8) industries related to operation and maintenance of the industrial park.

In order to prevent inadvertent exposure to possible site soil contaminants, the Grantee is required, prior to disturbing soil on the Property, to comply with DOE’s excavation and penetration permit program. The deed also specifies that DOE will retain this program until it has been determined that all necessary remedial action on the property has been taken. The ORO Environmental Management (EM) organization will be in the approval chain for the excavation and penetration permits. Consistent with the “industrial use” definition, use of the Property below 10 feet without prior approval by the FFA parties is prohibited. This restriction will be removed from the deed if, upon completion of all characterization activities for this portion of Zone 2 of the ETTP, it is demonstrated to or by DOE, EPA, and TDEC that remediation is not required for the area occupied by the Property. The deed also requires engineering controls against soil vapor intrusion for all new construction. To ensure the protection of human health from exposure to contaminants in groundwater plumes throughout the site, the deed prohibits

the Grantee from extracting, consuming, or using, in any way, the groundwater underlying the Property without the prior written approval of DOE, EPA Region 4, and TDEC. Finally, the deed requires compliance with all applicable Federal, State, and local laws and regulations with respect to any development of the Property.

## **6.2 Selected Excerpts from the Quitclaim Deed**

THIS QUITCLAIM DEED, made between the UNITED STATES OF AMERICA, its successors, transferees and assignees, hereinafter referred to collectively as the GRANTOR, acting by and through the Secretary of the Department of Energy, under and pursuant to the powers and authority contained in Section 161g of the Atomic Energy Act of 1954, as amended [42 U.S.C. § 2201(g)] and Heritage Center, LLC, a Tennessee non-profit corporation, organized under the laws of the State of Tennessee, its successors, transferees and assignees, hereinafter referred to collectively as the GRANTEE. The GRANTOR and GRANTEE have agreed that in order to assure enforceability of land use restrictions, this Quitclaim Deed, including all of its exhibits, shall serve as a Notice of Land Use Restrictions pursuant to Tennessee Code Annotated 68-212-225, having all the effectiveness and enforceability of such Notice. By acceptance of this Quitclaim Deed or any rights hereunder, the Grantee, for itself, its successors and assignees forever, agrees that the transfer of all the Property transferred by this Deed is accepted subject to all terms, obligations, restrictions, reservations, covenants and conditions set forth in this Quitclaim Deed and all exhibits hereto, and that these terms, obligations, restrictions, reservations, covenants and conditions shall run with the land.

1) It is the intent of the GRANTEE to utilize the property conveyed herein for purposes consistent with the mission of economic development for the community. All activities and development of the real property by the GRANTEE shall be consistent with the requirements contained within Exhibits “B”, “D”, and “F” to this Quitclaim Deed.

7) The GRANTEE shall comply with all applicable Federal, State, and local laws and regulations with respect to any present or future development of the property herein conveyed, including, but not limited to, those laws and regulations which govern sewage disposal, facilities, water supply, and other public health requirements.

8) All structures, facilities, and improvements requiring a water supply shall be required to be connected to an appropriate regulatory approved water system for any and all usage. GRANTEE covenants not to extract, consume, expose, or use in any way the groundwater underlying the property or water from any streams or ponds located on the property without the prior written approval of the GRANTOR, the United States Environmental Protection Agency and the Tennessee Department of Environment and Conservation.

9) Until such time that the actions described in the sitewide Record of Decision that includes groundwater are implemented, GRANTOR shall comply with the vapor intrusion requirements set forth in Section 4.4 of the Environmental Baseline Survey Report issued in July 2008 which is incorporated by reference to this Quitclaim Deed as Exhibit “D”. Said Report shall be placed within the permanent historical realty audit files

of DOE's Oak Ridge Office, within the GRANTOR's Oak Ridge Office Information Center, and within the GRANTEE's realty records.

The GRANTEE covenants and agrees that any buildings newly constructed on the Property after its transfer from the GRANTOR which are intended to be occupied by workers eight hours or more per scheduled work day or by public visitors, will be designed and constructed to minimize exposure to volatile organic contaminant vapors using EPA/625/R-92/016 (January 1993), *Radon Prevention in the Design and Construction of Schools and Other Large Buildings*, as guidance. The GRANTEE may seek a waiver of this covenant from EPA, TDEC, and DOE based upon alternative commitments or new information. The scope of such waiver shall extend only to the building in question unless expressly stated otherwise in the waiver. If such waiver is granted, the provisions of this covenant shall no longer apply.

14) The GRANTOR acknowledges that the Oak Ridge Reservation has been identified as a National Priorities List Site under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. The GRANTEE acknowledges that the GRANTOR has provided it with a copy of the Oak Ridge Reservation Federal Facility Agreement (FFA), effective on January 1, 1992, and relevant amendments entered into by the GRANTOR, Region 4 of the United States Environmental Protection Agency, and the Tennessee Department of Environment and Conservation. The GRANTEE agrees that should any conflict arise between the terms of such agreement as it presently exists or may be amended and the terms of this Quitclaim Deed, the terms of the FFA will take precedence; however, nothing in such FFA shall require an action or expenditure of funds by GRANTEE without GRANTEE's written concurrence.

An Addendum addressing requirements of Section 120(h)(3) and containing response action assurances required by CERCLA Section 120(h)(3)(C) is attached as Exhibit "F" and is made a part of this Quitclaim Deed, and all provisions of that Addendum are fully incorporated herein.



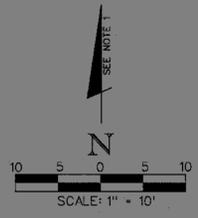
EXHIBIT "A"  
TO QUITCLAIM DEED  
BETWEEN  
DEPARTMENT OF ENERGY  
AND  
HERITAGE CENTER, LLC

SURVEY PLAT SHOWING THE TRANSFER FOOTPRINT



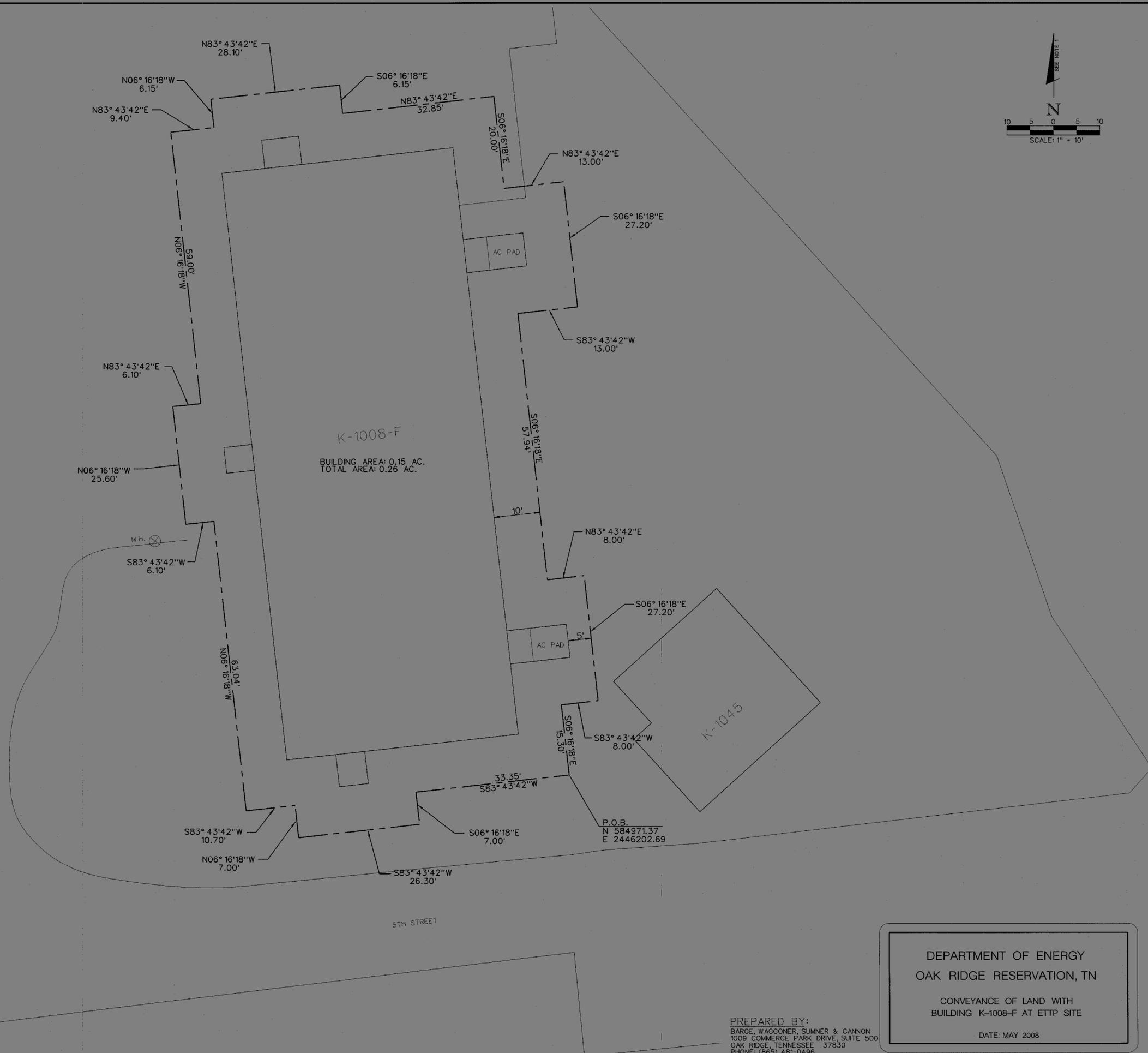


VICINITY MAP



NOTES:

1. ALL COORDINATES, BEARINGS AND DISTANCES ARE BASED ON TN STATE PLANE COORDINATES SYSTEM AND NAD 83 (88). (88) REFERS TO THE YEAR IN WHICH MARTIN MARIETTA ENERGY SYSTEM (MMES) ESTABLISHED G.P.S. MONUMENTS ON THE OAK RIDGE RESERVATION USING VALUES PUBLISHED IN 1986 BY THE TN DEPARTMENT OF TRANSPORTATION WHICH TIED THE MMES GPS MONUMENTS TO THE TN GEODETIC REFERENCE NETWORK SYSTEM.



Certificate of Survey  
 I hereby certify that this is a category 1 survey and the ratio of precision of the unadjusted survey is 1:15000 as shown hereon.  
 This survey has been prepared in accordance with The Standards of Practice for Land Surveyors in the State of Tennessee.  
 Mark F. Wilson, Tenn. Reg. No. 1733  
 Date: 6-12-08

DEPARTMENT OF ENERGY  
 OAK RIDGE RESERVATION, TN

CONVEYANCE OF LAND WITH  
 BUILDING K-1008-F AT ETP SITE

DATE: MAY 2008

PREPARED BY:  
 BARGE, WAGGONER, SUMNER & CANNON  
 1009 COMMERCE PARK DRIVE, SUITE 500  
 OAK RIDGE, TENNESSEE 37830  
 PHONE: (865) 481-0496

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EXHIBIT "B"  
TO QUITCLAIM DEED  
BETWEEN  
DEPARTMENT OF ENERGY  
AND  
HERITAGE CENTER, LLC

USES OF REAL PROPERTY

A) National Environmental Policy Act (NEPA)

In accordance with the Environmental Assessment dated November 1997, and the Addendum to the Environmental Assessment dated June 2003, the real property may be used for the following activities:

- a. Light and heavy manufacturing and processing plants;
- b. Research and development facilities;
- c. Laboratory services;
- d. Waste management including recycling, waste treatment and packaging;
- e. Warehousing and wholesaling facilities;
- f. Public or semipublic utility structure or related use;
- g. Offices, excluding any onsite daycare facilities;
- h. Industries related to operation and maintenance of the industrial park.

B) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The Grantee covenants that the property shall not be used or developed in a manner inconsistent with the land use assumptions of "industrial use" contained in approved applicable Records of Decision. Grantee covenants that it will not at any time cause or allow any portion of the property to be used for any residential housing, any elementary or secondary school, or any child care facility or children's playground.



EXHIBIT "D"  
TO QUITCLAIM DEED  
BETWEEN  
DEPARTMENT OF ENERGY  
AND  
HERITAGE CENTER, LLC

ENVIRONMENTAL BASELINE SURVEY REPORT

For the Building K-1008-F transfer area, an Environmental Baseline Survey Report was issued in July 2008 by the GRANTOR. Said report is incorporated by reference to this Quitclaim Deed as noted in Condition No. 9.



EXHIBIT "F"

ADDENDUM TO QUITCLAIM DEED  
BETWEEN  
DEPARTMENT OF ENERGY AND HERITAGE CENTER, LLC  
CERCLA SECTION 120(h) REQUIREMENTS AND ASSURANCES

A. Grantor warrants that any additional response action found to be necessary after the date of transfer for contamination on the property existing prior to the date of this transfer will be conducted by the United States. The obligation of the United States under this warranty will be limited to the extent that a response action is required by an act or omission of any Grantee which either a) introduces new contamination or b) increases the cost or scope of the required response action by negligently managing any contamination present on the property at the time of the initial transfer by the United States.

B. Grantor reserves a right of access to all portions of the property for environmental investigation, remediation or other corrective action. In the event the Grantor must access the property, the Grantor must provide notice to and coordinate access with the Grantee or its successors and any authorized occupants of the property. Any such entry, including such activities, responses or remedial actions, shall be coordinated with the Grantee or its successors, assignees, and tenants and shall be performed in a manner which minimizes, to the extent practicable, interruption with Grantee's activities on the property. Grantor's right to access the property shall be exercisable in any case in which a response action or corrective action is found to be necessary by the Grantor or applicable regulatory authority after the date of conveyance of the property, or in which Grantor determines access is necessary to carry out a response action or corrective action on adjoining property. Pursuant to this reservation, the United States and its officers, agents, employees, contractors and subcontractors shall have the right (upon reasonable notice to and coordination with the Grantee or the then-owner and any authorized occupant of the property) at the direction of the Grantor to enter upon the property and (1) conduct investigations and surveys, including but not limited to sample collection, drilling, data and record compilation, and other activities related to environmental investigation and (2) to carry out any other response and/or corrective actions as required or necessary under CERCLA and other applicable authorities, including but not limited to installation and operation of groundwater monitoring and/or restoration wells, and any treatment of hazardous substances or materials required under CERCLA and other applicable authorities.

C. The Grantee covenants that the property shall be used in accordance with the covenants set forth in Exhibit B.

D. Grantee covenants that, prior to soil disturbance, it will comply with the Grantor's excavation and penetration permit program for excavations greater than twelve inches below ground surface or for concrete penetrations greater than three inches. Grantor

covenants that it will retain this program until it has been determined that all necessary soil remedial action on the property has been taken. As part of the Grantor's implementation of work under the FFA, the Oak Ridge Office of Environmental Management (EM) must approve any permit under this program for disturbance of soil on the property located ten feet or less below the surface prior to Grantor's issuance of that permit. Grantor will submit any permit package it proposes to approve to EPA and TDEC for notification no later than 15 business days prior to giving EM's approval for the permit.

E. Grantee covenants that it will not at any time cause or allow any other use or disturbance of any portion of the property located more than ten feet below ground surface level without the prior written approval of the Grantor, the United States Environmental Protection Agency, and the Tennessee Department of Environment and Conservation.

F. The Grantee covenants that it will not inhibit or hinder the Grantor from required remedial investigations, response actions, or oversight activities including, but not limited to, properly constructing, upgrading, operating, maintaining, and monitoring any groundwater treatment facilities or groundwater monitoring on the property or adjoining property. Further, Grantee covenants that it will not tamper with or willfully destroy any monitoring wells or other monitoring or remediation systems that may be located in the vicinity of the property.

G. The Grantor shall submit on an annual basis, through established channels, appropriate budget requests to the Director of the Office of Management and Budget that adequately address those agreed upon schedules for investigation and completion of all necessary response actions required by the FFA until such time that all necessary remedial action has been taken. The actual amount available for such activities is subject to congressional authorizations and appropriations.

H. When all response actions necessary to protect human health and the environment with respect to any substance remaining on the property on the date of transfer have been taken, the GRANTOR shall execute and deliver to GRANTEE or its successors or assigns that then own the Property, or the applicable portion thereof, an appropriate document in recordable form, warranting that all such response actions have been taken consistent with the requirements of 42 USC 9620(b)(3)(c)(iii).

I. After notice and coordination with the Grantee as set forth in Item B, above, any response actions taken by the Grantor will be in accordance with schedules developed and included in Appendix E and J of the Federal Facility Agreement (FFA) for the Oak Ridge Reservation, approved by the Grantor, Region 4 of the Environmental Protection Agency, and the Tennessee Department of Environment and Conservation. Grantor will take all necessary action to remediate the East Tennessee Technology Park (ETTP), including groundwater contamination where applicable. The schedule for completion of the remedial action activities addressing Zones 2 of ETTP and the groundwater (addressed in the Sitewide Record of Decision) is set forth in the following

milestones which are subject to adjustment through amendment pursuant to Chapter XVIII. *Scoping Work Priorities of the FFA*:

Zone 2 (including Building K-1008-F)

Completion of Remedial Action – August 27, 2009

Sitewide Record of Decision

Under discussion with EPA/TDEC

TO HAVE AND TO HOLD the above described premises, subject to the exceptions, reservations, restrictions, covenants, and conditions herein set forth unto the GRANTEE forever.



## **7.0 Responsiveness Summary**

Comments on the draft CDR were received from EPA Region 4 on January 29, 2008. TDEC had no comments.

### **7.1 Regulator Comments**

This CDR was issued in draft form for regulator review on August 7, 2007. Comments were received from EPA Region 4 on January 29, 2008. As noted above, TDEC had no comments.

## **COVENANT DEFERRAL REQUEST**

### **SPECIFIC COMMENTS**

#### **EPA Comment 1:**

*Table of Contents.* Change “Risk Assessment Results” to “Risk Evaluation Results.”

**DOE RESPONSE:** The requested change has been made.

#### **EPA Comment 2:**

*Section 2.1.* In the third paragraph, the CDR states that a risk assessment was performed. Please correct the CDR as done with earlier CDRs to reflect that a risk evaluation was performed, not a full risk assessment consistent with EPA Risk Assessment Guidance.

**DOE RESPONSE:** The first paragraph in Section 2.1 has been revised so that it now states that a risk evaluation has been performed for K-1008-F, rather than a risk assessment.

#### **EPA Comment 3:**

*Section 2.2.* The first sentence of the 4th paragraph states that “There is no known contaminated groundwater plume beneath the Building K-1008-F...”. This sentence should be reworded to state that it is not known whether groundwater is contaminated beneath the building because the closest monitoring well is 300 feet away.

**DOE RESPONSE:** The requested change has been made, but the sentence has been revised to indicate that the nearest well (BRW-050), located approximately 70 feet west and side-gradient of K-1008-F, does not contain VOCs.

**EPA Comment 4:**

**Section 4.0 – Risk Assessment Results.** *Please correct the title of this section to reflect that a risk evaluation was performed, not a full risk assessment consistent with EPA Risk Assessment Guidance.*

**DOE RESPONSE:** The requested change has been made.

**EPA Comment 5:**

**Section 4.0 – Risk Assessment Results.** *Last sentence, 2<sup>nd</sup> paragraph. Please add “risk evaluation” after “the”.*

**DOE RESPONSE:** The requested change has been made.

**EPA Comment 6:**

**Section 4.0 – Risk Assessment Results.** *The risk evaluation considers adverse health effects associated with the building and area soils. A discussion should be provided in the CDR that addresses the additional risk through accessing the property through the larger ETTP site.*

**DOE RESPONSE:** DOE has modified Section 4.0, “Risk Evaluation Results,” to include separate headings for the “Building Interior” and the “Grounds Surrounding the K-1008-F Building.” A discussion of the risk associated with worker access to the larger ETTP site has been included in the text under the second subheading; please see the last three paragraphs.

**EPA Comment 7:**

**Section 4.0 – Risk Assessment Results.** *Please change the last sentence of the 6th paragraph to say: “Therefore, the Property is considered suitable for transfer for the intended industrial use.”*

**DOE RESPONSE:** The sentence has been changed to: “Therefore, the Property is considered suitable for transfer for industrial use.” The word “intended” is not included because at present the only use identified is “industrial” – i.e., there is no specific kind of industrial use identified at this time. Please note that this sentence now appears as the last sentence in the 3<sup>rd</sup> paragraph under the subheading “Building Interior.”

**EPA Comment 8:**

**Vapor Intrusion Pathway Evaluation section.** *This section is missing from the CDR. The vapor intrusion sampling results should be included and discussed in the CDR.*

**DOE RESPONSE:** The section was reorganized to minimize redundancy and some of the discussion removed from Section 4.0, “Risk Evaluation Results.” The vapor intrusion sampling results are discussed in Section 2.2.1 of the CDR, and a more detailed discussion is provided in Section 6.1 of the EBS.

**EPA Comment 9:**

***Section 5.0 – Response/Corrective Action and Operation and Maintenance Requirements.*** *The last paragraph of this section discusses vapor intrusion. Language regarding utilization of engineered barriers for new structures built on the Property should be included here.*

**DOE RESPONSE:** The following sentence has been added to the last paragraph of Section 5.0: “Any new building or structure built on the Property must be designed and constructed to minimize potential exposure of workers to VOC vapors, including the use of engineered barriers as noted in Section 6.1 and in the Quitclaim Deed.”

*It should be noted that DOE’s understanding is that when the Sitewide ROD is completed, the vapor intrusion requirements contained therein will take precedence over the vapor intrusion requirements described in Section 4.4 of the EBS. Also, it is DOE’s understanding that when the remedial actions described in the Sitewide ROD are completed, the deed restrictions related to vapor intrusion will be reevaluated.*

**EPA Comment 10:**

***Section 5.0 – Response/Corrective Action and Operation and Maintenance Requirements.*** *Note in this section and in the Deed Exhibit F, Paragraph I, that the Sitewide ROD, currently scheduled to be complete in September 2007 has now changed. Please revise the text to state that the current date of September 30, 2007, is currently under negotiation and will be revised at the conclusion of the negotiation process. Alternatively, the date may have been resolved by the time the CDR is submitted for publication, in which case the new date should be inserted. This applies to any other dates in Deed Exhibit F, Paragraph I.*

**DOE RESPONSE:** The third sentence of the third paragraph, under Section 5.0, has been revised to read, “The final Sitewide ROD, which will include groundwater, is currently under negotiation.” Likewise, the dates for the Sitewide ROD, under Section 6.2, Exhibit F, Paragraph I, have been deleted and replaced with the words, “under discussion with EPA/TDEC.”

**EPA Comment 11:**

***Exhibit F to the Quitclaim Deed, Paragraph B.*** *EPA presumes that DOE will add “Grantor or applicable regulatory authority” in the fourth sentence after “found to be necessary by the...” consistent with resolution of EPA comments on the Building K-1000*

CDR. In addition to changes in the deed, please make changes regarding deed language also to CDR Section 6.3, "Selected Excerpts from the Quitclaim Deed."

**DOE RESPONSE:** Exhibit F, Paragraph B has been revised to incorporate the suggested language. The change has been made to the deed and to Section 6.2 (Selected Excerpts from the Quitclaim Deed) of the CDR.

**EPA Comment 12:**

*Exhibit F to the Quitclaim Deed, Paragraph C. Please make the following change to this paragraph so that the paragraph now reads: "The Grantee covenants that the property shall be used in accordance with the covenants set forth in Exhibit B," and change Exhibit B consistent with EPA comments on Building K-1000. In addition, please make all changes that respond to EPA comments on the CDR for Building K-1000, including those dealing with "industrial use."*

**DOE RESPONSE:** The requested change has been made to Exhibit F, Paragraph C and to Exhibit B. In addition, previous EPA comments dealing with clarification of "industrial use" have been made to the K-1008-F CDR.

**EPA Comment 13:**

*Section 6.1 – Background Introduction. Second paragraph, after the 5th sentence, please include the following sentence: "The deed also requires engineering controls against soil vapor intrusion for all new construction."*

**DOE RESPONSE:** The suggested text has been incorporated into Section 6.1. Also, the following text has been added to deed restriction #9 found under Section 6.2 of the CDR and in the Quitclaim deed: "The GRANTEE covenants and agrees that any buildings newly constructed on the Property after its transfer from the GRANTOR which are intended to be occupied by workers eight hours or more per scheduled work day or by public visitors, will be designed and constructed to minimize exposure to volatile organic contaminant vapors using EPA/625/R-92/016 (January 1993), *Radon Prevention in the Design and Construction of Schools and Other Large Buildings*, as guidance. The GRANTEE may seek a waiver of this covenant from EPA, TDEC, and DOE based upon alternative commitments or new information. The scope of such waiver shall extend only to the building in question unless expressly stated otherwise in the waiver. If such waiver is granted, the provisions of this covenant shall no longer apply.

## ENVIRONMENTAL BASELINE SURVEY, ATTACHMENT A

### EPA Comment 14:

*EBS, Conclusions, p. xiii. In item (6), the text refers to engineered barriers as noted in the Quitclaim Deed. Engineered barriers are not mentioned in the deed. Please include the language in the deed as indicated in the EBS.*

**DOE RESPONSE:** The language regarding engineered vapor barriers has been included in deed restriction #9 as noted in the response to Comment #13.

### EPA Comment 15:

*Section 4.3, Hydrogeologic Environment Section. Table 4.1. Change “none identified” for the groundwater plume to “unknown”.*

**DOE RESPONSE:** The change has been made as requested.

### EPA Comment 16:

*Section 4.4, Evaluating the Potential for Vapor Intrusion at East Tennessee Technology Park Facilities Targeted for Transfer. Include the guidance name that refers to March 2006 EPA guidance. Also, revise the ROD date in the third paragraph.*

**DOE RESPONSE:** The guidance name has been added in this section and also in the references in Chapter 7. (The guidance is a letter from Harold Taylor of EPA to Susan Cange of DOE.) Also, the first two sentences of the third paragraph under Section 4.4 have been replaced with the following sentence: “ORO, EPA Region 4, and the Tennessee Department of Environment and Conservation (TDEC) agree that vapor intrusion will be addressed in the ETPP final Sitewide Record of Decision (ROD), which is currently under negotiation.”

### EPA Comment 17:

*Section 4.4, Evaluating the Potential for Vapor Intrusion at East Tennessee Technology Park Facilities Targeted for Transfer. Paragraph h, after the 4th sentence, please add the following sentence: “For perspective, the frequency of sampling corresponding to a cumulative risk of 1E-04 will also be determined.”*

**DOE RESPONSE:** The change has been made as requested.

### EPA Comment 18:

*Section 4.4, Evaluating the Potential for Vapor Intrusion at East Tennessee Technology Park Facilities Targeted for Transfer. Page 4-10, paragraph h. Add [DOE 2005a] to the references.*

**DOE RESPONSE:** The change has been made as requested.

**EPA Comment 19:**

*Chapter 6, Results of Chemical Sampling and Radiological Surveys Conducted in Conjunction with the Proposed Transfer. The ‘Re-sampling Frequency’ section for vapor intrusion is not included in the EBS. This discussion needs to be added to the EBS.*

**DOE RESPONSE:** This subsection was omitted in error. It has been added to the EBS.

**EPA Comment 20:**

*Section 6.2, Radiological Survey Data. First paragraph, change “Appendix C” to “Appendix E”. Also, in the third paragraph, delete “wt.” after “5.0”.*

**DOE RESPONSE:** This change has been made as requested.

## **7.2 Public Comments**

(This is a placeholder.)