



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

December 14, 2006

Mr. Steve McCracken
Assistant Manager for Environmental Management
DOE-Oak Ridge Operations
P.O. Box 2001, EM-90
Oak Ridge, TN 37831

Dear Mr. McCracken:

Recommendation 152: Recommendations on the Notice of Contamination and Future Use Limitations, and Intent to Provide Notations on Ownership Records in Melton Valley

At our December 13, 2006, meeting, the Oak Ridge Site Specific Advisory Board approved the enclosed recommendation.

We appreciate your consideration of these comments and look forward to receiving your written response by March 13, 2007.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Mezga".

Lance Mezga, Chair

Enclosure

cc/enc: Dave Adler, DOE-ORO
Mike Farmer, Roane County Mayor
Doug Frost, DOE-HQ
Pat Halsey, DOE-ORO
Connie Jones, EPA Region 4
Rex Lynch, Anderson County Mayor
James O'Connor, Oak Ridge City Manager
Melissa Nielson, DOE-HQ
John Owsley, TDEC
Ralph Skinner, DOE



Recommendation 152

Oak Ridge Site Specific Advisory Board

Recommendations on the Notice of Contamination

and Future Use Limitations, and Intent to Provide Notations

on Ownership Records in Melton Valley

Background

The Melton Valley watershed occupies approximately 1,000 acres in the southern portion of Oak Ridge National Laboratory, located on the Department of Energy's (DOE's) Oak Ridge Reservation. Waste management was historically the principal activity that took place in Melton Valley. Research and development for two nuclear reactors also took place there. In addition, the watershed was used in the 1950s and 1960s as the Atomic Energy Commission's Southeastern Regional Burial Ground for radioactive wastes from more than 50 other facilities, including other national laboratories.

Portions of the watershed have been contaminated with a variety of wastes, including liquid and solid low-level radioactive wastes, through past disposal practices. Strontium-90, tritium, and cesium-137 are the primary contaminants of concern in surface water leaving the Melton Valley watershed because of their potential adverse impact on human health and the environment.

DOE, EPA, and the Tennessee Department of Environment and Conservation signed the "Record of Decision (ROD) for Interim Actions for the Melton Valley Watershed, Oak Ridge, Tennessee" (DOE/OR/01-1826&D3), in September 2000. The ROD outlines a \$165 million, 14-year plan to isolate and prevent future leaching of contaminants from these sites into groundwater and surface waters of Melton Valley. It calls for specific remedial actions based mainly on isolating waste but also involving some waste removal. These actions will leave most contaminants in place but will isolate and immobilize them to minimize any additional leaching into groundwater. Once complete, these environmental cleanup actions will be evaluated to determine whether any additional actions are needed.

The ROD requires the production of Notations on Ownership Record (deed restrictions) and Property Record Notices to define those areas in Melton Valley for which land use is restricted because of the continuing presence of hazardous substances at levels that do not allow for unrestricted use. Further, DOE is required under the Comprehensive Environmental Response, Compensation, and Liability Act to inform the public of DOE's requirements to restrict property use. The "Notice of Contamination and Future Use Limitations, and Intent to Provide Notations on Ownership Record (Deed Restrictions) in Melton Valley, Oak Ridge National Laboratory, Oak Ridge, Tennessee," was prepared by DOE in October 2006 to meet these requirements.

Discussion

Long-term stewardship issues related to Melton Valley and other areas of the DOE Oak Ridge Reservation have been of primary importance to the Oak Ridge Site Specific Advisory Board (ORSSAB) for nearly the entirety of the board's existence. Assuring that future generations have adequate and readily accessible resources for information regarding legacy contamination on the reservation is a key concern of the board and its Stewardship Committee.

For the past two years the Stewardship Committee has been working with DOE to plan and implement a process for filing Notices of Contamination and plat maps with the Anderson County Register of Deeds

and Property Assessor's office. Eventually this process would be extended to Roane County and the city of Oak Ridge. The "Notice of Contamination and Future Use Limitations, and Intent to Provide Notations on Ownership Record (Deed Restrictions) in Melton Valley" is an important element of this process.

At DOE's request, the committee reviewed the notice at its September and October 2006 meetings and prepared some general comments on the notice and rewrote the document. The rewritten document is included as Attachment 1, and comments prepared by the committee are contained in the following recommendations.

Recommendations

ORSSAB recommends that DOE rewrite the "Notice of Contamination and Future Use Limitations, and Intent to Provide Notations on Ownership Record (Deed Restrictions) in Melton Valley" to make it more "user friendly" to stakeholders. We suggest DOE use the format and style prepared by the Stewardship Committee (Attachment 1). In addition, we recommend that a version be prepared for publication in area newspapers that is shorter and easier to understand by the lay public.

NOTICE OF CONTAMINATION, REQUIREMENTS, AND FUTURE USE LIMITATIONS IN
MELTON VALLEY, OAK RIDGE NATIONAL LABORATORY, OAK RIDGE, TENNESSEE

UNITED STATES DEPARTMENT OF ENERGY
OAK RIDGE OFFICE
P.O. BOX 2001
OAK RIDGE, TENNESSEE 37831

This notice informs the public of the Department of Energy's (DOE) enforceable requirements for protection of human health and the environment from past releases of contaminants within the Melton Valley portion of the Oak Ridge Reservation located in Roane County, Tennessee.

The predominant contaminants of concern that could potentially cause a threat are:

- in soil: cesium-137, strontium-90, cobalt-60, curium-244
- in surface water: tritium, strontium-90
- in sediment: cesium-137, strontium-90, cobalt-60, curium-244, PCBs
- in groundwater: tritium, strontium-90

In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, which requires cleanup actions in contaminated areas, the DOE published a Record of Decision (ROD) for Interim Actions for Melton Valley (DOE/OR/01-1826&D3). The ROD describes the Department's plans for remediation of the contaminated areas. Subsequently, DOE published a Land Use Controls Implementation Plan (LUCIP) for Melton Valley (DOE/OR/01-1977&D6) which establishes enforceable requirements for implementation of the actions described in the ROD.

With the concurrence of the Environmental Protection Agency, the Tennessee Department of Environment and Conservation, and the public End Use Working Group, remedial actions and cleanup goals were based on the assumptions that future uses of the property would be limited and that the property would remain in federal ownership.

Based on the Melton Valley ROD (Figure 2.11) the property is divided into three zones, each with different limitations for future use. These zones are:

- Waste Management Areas: prevent unauthorized access/use of groundwater and any use other than waste management;
- Controlled Industrial Area: prevent unauthorized access/use of groundwater, control excavations or penetrations below 2 feet; and
- Surface Water and Floodplain: protect hypothetical recreational uses and prevent unauthorized access/use of groundwater.

Because land use on Melton Valley is restricted due to the continuing presence of hazardous substances at levels that do not allow for unrestricted use, the ROD requires production of Notations on Ownership Record (Deed Restrictions) and Property Record Notices to define the restricted areas:

- Notations on Ownership Record (Deed Restrictions):

DOE will submit the required Notations on Ownership Record to the Register of Deeds, Roane County, Tennessee. The notations will delineate the boundaries of the surveyed areas in which high concentrations of hazardous substances, low-level radioactive waste, and/or Resource Conservation and Recovery Act of 1976 hazardous waste remain beneath engineered covers. These areas are identified as Solid Waste Storage Areas 4, 5, 6; Pits 2, 3, and 4; and Trenches 5, 6, and 7 on the attached figure.

■ Property Record Notices:

As required by the ROD and the LUCIP, DOE is providing this public notice that describes the contamination and future use limitations of areas within Melton Valley, as depicted in the attached figure. DOE maintains other land use controls, as specified in the ROD. These include signs, surveillance patrols, and the Oak Ridge Reservation excavation/penetration administrative permit program. Any person who is unsure whether a proposed use has been authorized by DOE in the areas covered by the ROD should seek additional information from:

- The Melton Valley ROD, LUCIP, and forthcoming Remedial Action Report at the DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, TN 37830; 865-241-4780 or 1-800-382-6938
- Ralph Skinner, DOE-Oak Ridge Long-Term Stewardship Program Manager, 865-576-7403; or Cindy Hunter, DOE-Oak Ridge Real Estate Officer, 865-576-4431
- Roane County Register of Deeds for Notices of Contamination
- Roane County Tax Assessor for Property Record Notices
- Oak Ridge Site Specific Advisory Board; www.oakridge.doe.gov/em/ssab; 865-241-4583 or 865-241-4584

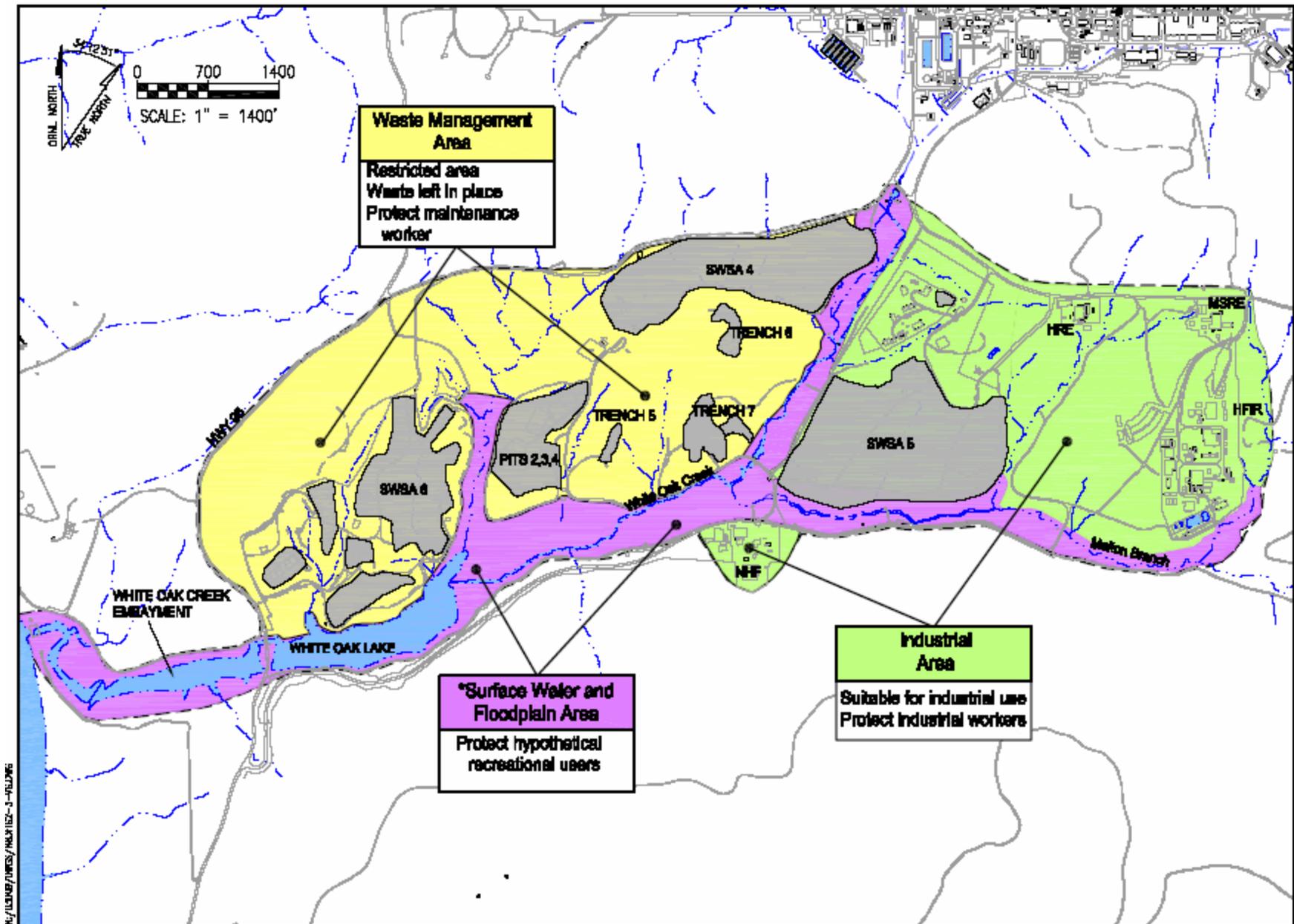


Figure 2.1. Future Landuse in Melton Valley.