



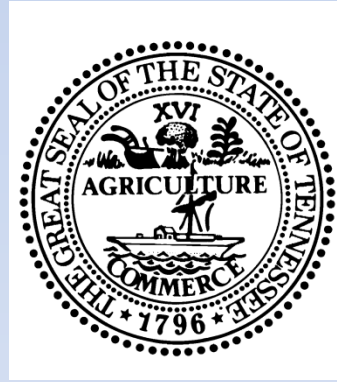
February 24 – February 28, 2013 ♦ Phoenix, Arizona

## **Regulatory Perspective for the State of Tennessee**

**Wesley White**

Session #68

# Regulatory Perspective for the State of Tennessee



Approach, Challenges, and Innovations

TDEC Mission – Protect and improve the quality of Tennessee’s air, land, and water through a responsible regulatory system.





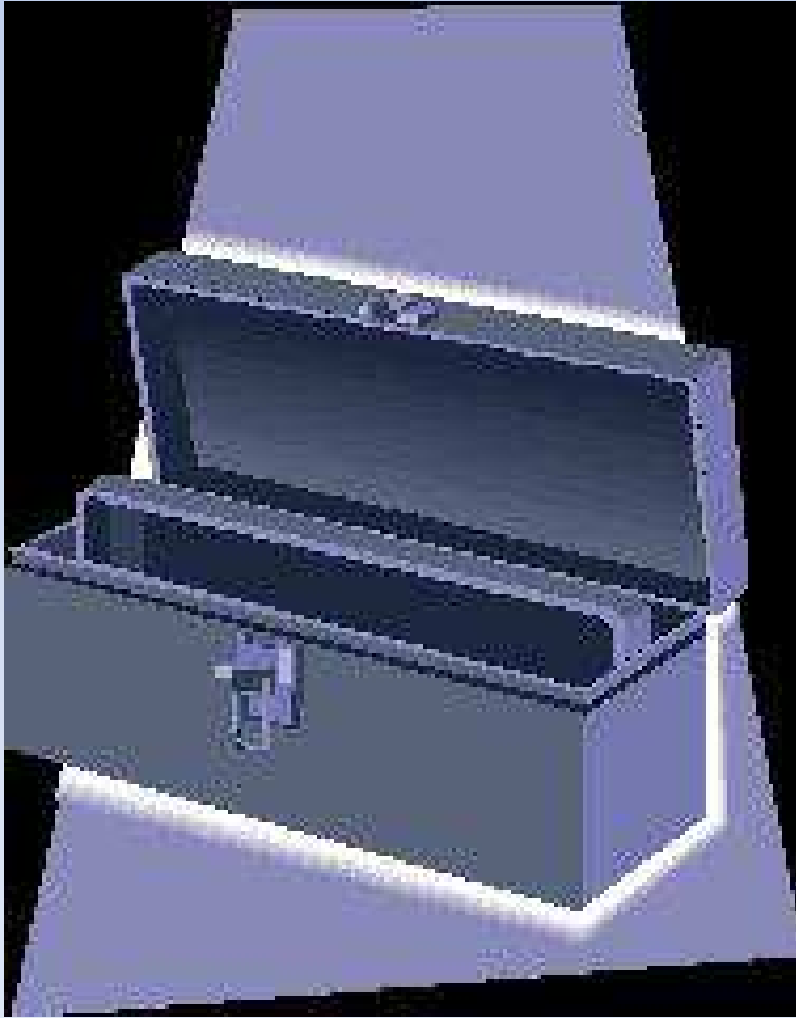
## Challenge

Need to coordinate environmental management on a NPL site that houses current active operations that will continue after the CERCLA remediation process is complete.



TDEC and DOE work  
concertedly to achieve  
compliance through a number  
of agreements .

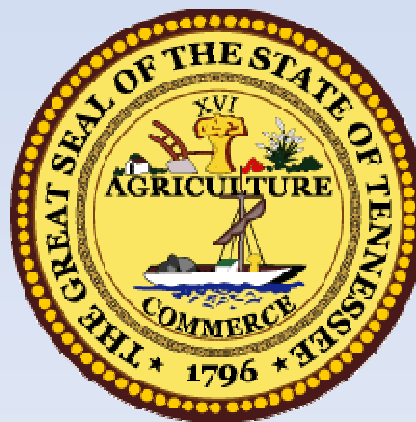
# What's in our toolbox?



**FFA**  
**STP**  
**TOA**

# FFA – Federal Facilities Agreement

Is a regulatory based program to establish a procedural framework and schedule for developing, implementing, and monitoring appropriate response actions at the Site in accordance with CERCLA, the NCP, RCRA, NEPA, appropriate guidance and policy, and in accordance with Tennessee State law.



## Federal Facilities Agreement (cont.)

- **Facilitate cooperation, exchange of information, and participation** between the Parties.
- **Minimize the duplication** of investigative and analytical work and documentation and ensure the quality of data management
- The Parties will **cooperate to achieve compliance** with CERCLA, to satisfy the corrective action requirements of Section 3008(h) of RCRA, for interim status facilities; and to meet or exceed all applicable or relevant and appropriate Federal and State laws and regulations to the extent required by Section 121 of CERCLA.



## **STP – Site Treatment Plan**

- Fulfill the requirements of the Federal Facility Compliance Act (FFCA)
- Establishes an enforceable framework in which DOE will develop methods to treat or meet RCRA Land Disposal Restrictions (LDR) for all LDR mixed wastes currently in storage and to be generated or received on the ORR
- Allow for storage of current and projected LDR mixed waste at the ORR
- Fulfill the requirement of the FFCA by preparing treatment plans for all mixed wastes on the ORR.

# TOA – Tennessee Oversight Agreement

Allows the State to develop a non-regulatory independent monitoring and oversight program, the State advises and assists to assure that DOE's activities do not adversely impact the public health, safety and the environment.



## Tennessee Oversight Agreement (cont.)

- Through a program of non-regulatory independent monitoring and oversight, the State conducts an oversight program that complements, as well as provide verification of, DOE's monitoring to aid in determining the impact to public health, safety and the environment.



# Tennessee Oversight Agreement (cont.)

The State is provided an opportunity to review facility wide and project specific waste minimization, included radioactive materials. (DOE has **self-regulation authority** under the Atomic Energy Act)

We report the results of our monitoring and analysis activities and it findings to help determine the **quality and effectiveness** of the DOE environmental monitoring and surveillance programs.

**WARNING**  
THIS WATER IS CONTAMINATED  
FISH UNSAFE FOR FOOD  
**NO SWIMMING,  
WADING, OR FISHING**  
Tennessee Department of  
Environment and Conservation

## Our Approach

Our goal to take a **common-sense approach** to regulatory responsibilities.

We accomplish this by using a project team. The project team mentality involving regulators from the beginning to facilitate development of approaches that will meet ARARs. This streamlines the approval process by getting regulator agreement upfront rather than waiting until document submittal.



## **Contact Handled – Remote Handled Debris**

DOE made a nationwide cost saving decision not to keep a characterization and certification team on site during fiscal years 2012 and 2013 because of budget issues. Thus the National TRU Program's Central Characterization Program (CCP) ceased operations in Oak Ridge.

## Contact Handled – Remote Handled Debris (cont.)



The state and DOE Oak Ridge came together to work out a new set of milestones with a deliverable date. The milestone helps enforce the urgency with DOE to continue operations at the TRU Waste Processing Center (TWPC).

The agreements provided an enforceable STP milestone so that the TWPC was able to focus on repackaging of TRU debris waste and eliminate MLLW/LLW from the TRU waste inventory.

## Contact Handled – Remote Handled Debris (cont.)



Debris milestones were created to encourage Central Characterization Program's early return to Oak Ridge.

Currently, shipments of waste to WIPP are scheduled to resume early in Fiscal Year 2014.



## Remote Handled TRU Sludge

History – In 2004 and 2005, A campaign was undertaken to treat the supernate from Melton Valley Storage Tanks, Capacity Increase Project Tanks, and the Bethel Valley Evaporator Service Tanks.

Currently we are in the process to begin treating the remaining sludge in those tank.

Using lessons learned from the supernate project, a treatment process of drying the sludge was created.



## Remote Handled TRU Sludge (cont.)

Through extensive internal and external technical reviews, a decision was reached that drying the sludge was not viable.

A solidification process was judged to be a more feasible option.

With the change in plans, came a new compliance schedule.

A Supplement Analysis and a ROD amendment for the Environmental Impact Statement was necessary.



## Remote Handled TRU Sludge (cont.)



To ensure compliance with RCRA POG determination, DOE requested a regulatory interpretation regarding the processing facilities POG.

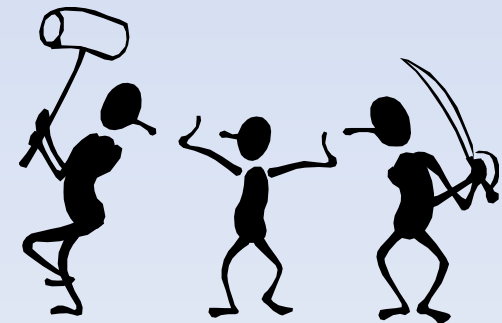
In addition, there were technical issues associated within the physical footprint of the building needing to minimize radiological dose for site workers. The design change in the sludge processing annex had to be incorporated into the Supplement Analysis already modified under NEPA.

And the TWPC now has to follow DOE Order 4123.3B (Program and Project Management for the Acquisition of Capital Assets).

# Dispute Resolutions

Dispute Resolution is covered in the FFA

- Informal process (project manager/supervisor level)
- Formal Process (Time Table/Dispute Resolution Committee/Senior Executive Committee/EPA Regional Administrator/Administrator of EPA making a final decision. The final decision can be appealed through the judicial system)



## Trench 13

History – 1970 AEC directive for retrievable storage of TRU waste.

Trench 13 was constructed and received waste containers in June 1976.

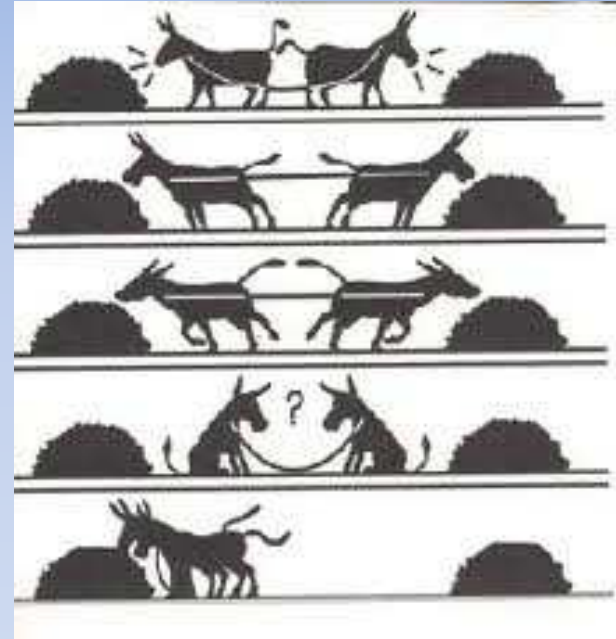
Excavation of Trench 13 was initiated in July 2005

Pyrophoric material suspended work. The material was placed in interim storage until a disposal path was established.



## Trench 13 (cont.)

The disputes were elevated to the Senior Executive Committee.



We have enforceable commitments in the form of milestones for a submittal of an engineering evaluation related to the disposition of the materials in Trench 13. And two other milestones for submitting draft and detailed plans for disposition of the TRU waste remaining in Trench 13.

# Ongoing Challenges



- Coordinating CERCLA on an active production site
- Integrating NPDES permitting with CERCLA clean-up
- Defining CERCLA versus non-CERCLA activities
- Ensuring that the maximum amount of characterization, sorting, and segregating takes place to minimize the amount of contaminated waste needing disposal in the onsite CERCLA facility landfill
- Orchestrating the efficient use of the onsite disposal with that of offsite disposal, while being protective of the environment.

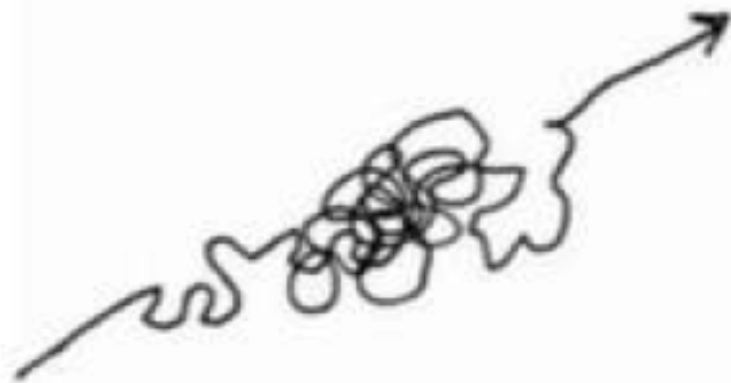


Success



what people think  
it looks like

Success



what it really  
looks like