

Roane County Environmental Review Board: Meeting Minutes: April 02, 2015

Attendees:

Tom Brown, RCERB Member
Doug Clark, Roane County Citizen
Scott Gregory, RCERB Member
Mary Anne Koltowich, RCERB Member
David Martin, RCERB Interim Chair
David Reichle, RCERB Member
Scott Stout, County Executive's Office Representative
Dennis Wilson, Prospective RCERB Member

RCERB Members Absent:

Carolyn Granger
Allen Townsend

Proceedings

- 1) Call to Order and Opening Business A quorum was present. The meeting agenda was approved. A vote for approval of the March meeting minutes was not conducted; comments had been submitted by e-mail which had not been reviewed and incorporated. In preliminary discussions, a member commented that perhaps the County should have some environmental ordinances and not rely solely on State environmental rules and regulations (i.e., TDEC). It was suggested that the ERB look into what other counties (e.g., Anderson, Blount, etc.) have along those lines. The Oak Ridge Environmental Quality Advisory Board might also be an appropriate organization to contact with those questions. A question was also asked about what sort of relationship the ERB should have with the County's industrial board.

During the public comment period, Roane County and City of Kingston citizen Doug Clark raised a concern about materials (fiberglass, plastic, etc.) that had been left behind when a house was moved on the parcel of land being developed for a car dealership in the City of Kingston. He had concerns about how it should be properly disposed of and who would do it. He also had a concern about a 25-foot buffer between the developed parcel and the adjacent residential neighborhood that has been promised to the neighborhood residents; it was implied to the residents that not only would be buffer not be developed, but it would remain wooded. Clearing is already happening within the area that would be that buffer zone. ERB members also questioned whether the parcel already has established coverage under a state construction storm water runoff permit. The ERB can look into whether there have been any codes violations associated with the abandoned material now that codes enforcement is a county function, and appropriate county officials can be contacted concerning its proper disposal.

- 2) Reindustrialization of DOE Lands at ETPP known as Zone 1 DOE-EM There is an opportunity to provide comments before the soils reindustrialization plan goes out for review. Concerns expressed by members of the ERB were: (1) the 10 foot rule (land re-use allowed but excavation will be restricted to no deeper than 10 ft) seems to be impractical for industrial development,

(2) is there a potential for re-contamination of the Zone 1 areas from existing contamination in Zone 2, and (3) will there continue to be funds available over the long term for cap maintenance? Of the soils remediation alternatives, DOE prefers option 2, which relies on land use controls and covers being placed over most impacted areas. The ERB Chair read some of the highlights of the ORSSAB recommendations for DOE's soils plan (see Attachment 1: Oak Ridge Site Specific Advisory Board Recommendation: Final Proposed Plan for Soils in Zone 1 at East Tennessee Technology Park, Oak Ridge Tennessee). The ERB Chair also has some comments to the soils plan and will share them with the County Executive and get his opinion on how and from whom they should be submitted.

- 3) Questions Concerning Surface Water Runoff from Tiger Haven One of the concerns from neighboring residents is coliform bacteria in surface water runoff from the facility. It was suggested that the county health department be contacted to determine if the department could collect samples of runoff for coliform testing. There was also discussion on whether the facility meets the definition of a Confined Animal Feeding Operation (CAFO) under the Clean Water Act (i.e., is it already identified as a CAFO or should it be?). A CAFO would have to have an NPDES permit, which would likely require monitoring and testing of runoff.
- 4) Roundtable Discussion:
- Proposed changes/clarifications to the RCERB bylaws were discussed. Changes are being proposed to clarify board membership numbers, particularly to clarify that the County Commission representative position is in addition to (i.e., not counted as one of) the 5 – 7 general members. Discussion also occurred about the number of voting members that must be present at board meetings to constitute a quorum for conducting official business. It was decided that additional changes to the draft bylaws would be made before it is voted on at the next meeting, specifically changes will be made to the definitions of what shall constitute a majority and what will constitute a supra majority of voting members. A motion was made to change the bylaws to state that a majority is defined as a simple majority (instead of the fixed number of 5 members) and a supra majority would be defined as a simple majority plus one. These changes will account for varying numbers of voting members that may sit on the board over time. The motion passed unanimously.
 - A new county lighting ordinance is in draft. It has not been distributed to the complete ERB membership but those who know something about it expressed the opinion that it will be a good and reasonable ordinance.
 - Student membership positions on the ERB were discussed. As of this meeting date no new student members have officially been added to the board roster and nominations may still be submitted. Discussions revolved around the fact that when student members were actively engaged in projects in the past (implementing recycling in schools was given as an example), student participation has been particularly fruitful.
 - There will be a Solid Waste Advisory Board (SWAB) meeting on April 7th to approve the annual report prior to it being submitted to the State. The ERB Chair asked whether it would be helpful for the ERB to review the report, and an ERB member that is also on the SWAB and who has seen the report responded that it is a straightforward report and that

review by the ERB would not be necessary. Three ERB members are also members of the SWAB.

- There will be a public meeting on April 9th at 6PM concerning the Tennessee Valley Authority Kingston Fossil Plant Coal Ash Release Natural Resource Damage Assessment – Restoration and Compensation Determination Plan (Evaluation). In addition to restoration activities already undertaken in the Swan Pond area, the plan will include creation of a trust fund in the amount of \$750K for additional restoration activities outside of the Swan Pond area. The Evaluation includes some suggested alternatives for use of those funds, but public input will also be sought. There was discussion on potential uses of those funds, and alternatives that were suggested are: (1) divide the funds equally among the cities in Roane County and let the cities decide on the specific uses, (2) shoreline stabilization activities in Watts Bar reservoir, and (3) improvements for Tom Fuller Park and Roane County Park. Some discussion was also had about the Evaluation’s comparison of contaminant concentrations to screening criteria. The report authors chose to compare geometric means of contaminant concentrations, rather than arithmetic means, to criteria. Geometric means are always lower than arithmetic means and their use makes it easier for screening criteria to be met. Members who reviewed the report found no justification given as to why the geometric mean was used, which without adequate explanation casts doubt on the objectivity of the report.
- The public comment period on the TVA ash/gypsum permit modification keeps being extended. The Chair asked whether members thought that the comments already submitted by the ERB were adequate, or whether any changes or additions were warranted. Members agreed that comments already submitted were sufficient.

The meeting was adjourned at 7:43PM.

Attachments:

- 1) ORSSAB Letter of Recommendation for the DOE ETP Final Proposed Plan for Soils in Zone 1 at East Tennessee Technology Park, Oak Ridge, Tennessee
- 2) RCERB April 02, 2015 Meeting Agenda



Oak Ridge Site Specific Advisory Board

Recommendation:

Final Proposed Plan for Soils in Zone 1 at East Tennessee Technology Park, Oak Ridge, Tennessee

Background

Much of the remediation of contaminated areas in Zone 1 at the East Tennessee Technology Park was completed under an Interim Record of Decision (ROD) in the late 1990s. However the goal to make Zone 1 suitable for unrestricted industrial use was not met in all areas due to unforeseen contamination. The "Final Proposed Plan for Soils in Zone 1 at East Tennessee Technology Park," dated November 2014, identifies the remedial action objectives (RAOs) proposed by the Department of Energy (DOE) to complete the cleanup of soils in the area. Those objectives are as follows:

- Provide for the use of the majority of Zone 1 as a future industrial site (at a minimum of 10 feet depth)
- Protect local-level terrestrial wildlife receptor populations from contamination in surface soil
- Protect underlying groundwater and nearby surface water from contamination in soil.

The Proposed Plan discusses four (4) soil remediation alternatives:

1. No action.
2. Remove small ecological risk areas, and provide additional land use controls/cover for K-770, Contractor's Spoil Area, K-720, and Duct Bank areas.
3. Remove K-770 and small ecological risk areas, and provide additional land use controls/cover for Contractor's Spoil Area, K-720, and Duct Bank areas.
4. Remove K-770, K-720, and small ecological risk areas, and provide additional land use controls/cover for the Contractor's Spoil Area and Duct Bank areas.

Alternative 2 is the DOE preferred remedy.

Discussion

The Oak Ridge Site Specific Advisory Board (ORSSAB) Environmental Management & Stewardship (EM/S) Committee reviewed the final proposed plan, participated in a tour of Zone 1, and heard multiple presentations by project representatives regarding remediation techniques and expected outcomes. The following EM/S concerns were communicated:

- Final Proposed Plan (PP) should be more specific regarding how land use controls will be implemented.
- Inclusion of Oak Ridge Reservation (ORR) Land Use Control Assurance Plan (DOE 1999) summary in the Final PP would be beneficial to readers when considering whether assurances are adequate.
- Development of Land Use Control Implementation Plan (LUCIP) would be beneficial prior to consideration of the DOE preferred alternative.
- If contaminated areas are covered, what ensures that lateral infiltration of groundwater will not promote migration of contaminants?
- What ensures that erosion of covered areas will be repaired in timely manner?
- Since the K-770 area is directly on the Clinch River, excavation instead of application of cover would seem more attractive for commercial development.
- Final PP for soils seems premature considering surface/groundwater remediation has been deferred.

Recommendation

ORSSAB makes the following recommendations:

- Include a summary of ORR Land Use Control Assurance Plan (DOE 1999) in the Final PP to benefit readers when considering whether assurances are adequate.
- Develop a Land Use Control Implementation Plan (LUCIP) prior to consideration of the DOE preferred Alternative 2.
- Modify Alternative 2 to alleviate risks from potential erosion or disturbance of soil covers. Areas containing residual contamination above 10 feet depth, that do not meet RAOs without the utilization of controls, need restrictions that prevent any use of the land, including industrial and recreational uses; these restrictions will ensure high confidence and long-term protection of human health and the environment. ORSSAB does not consider it reasonable that controls as currently outlined in Alternative 2 are adequate in preventing activities that may erode the cover and expose contaminants over time.

**Agenda for April 2, 2015
Roane County Environmental Review Board
Roane County Court House**

- 6:00 Call to Order and Chair's comments**
- 6:02 Changes to agenda**
- 6:03 Approval of agenda**
- 6:05 Public comment time**
- 6:10 Approval of the March 2015 Meeting Minutes**
- 6:12 Program**

Presentation

Part 1

Review of what is going on with the reindustrialization of the DOE lands at ETTP known as Zone 1 DOE-EM. Decide if/what the Board's recommendation will be. DCM

Part 2

Questions concerning surface water runoff at Tiger Haven.

7:00

Roundtable Discussions

- Approve RCERB Bylaws. MAK
- Planning for the April 9th public meeting Natural Resource Damage Assessment. Finalize list of suggestions for the \$750000 fund. DCM
- Update on Lighting Code
- Student Members update
- Upcoming Solid Waste Advisory Board meeting. TBA
- Public comment period on TVA ash/gypsum permit modification

7:30 Adjourn

Documents/Notifications Received:

Tennessee Valley Authority Kingston Fossil Plant Coal Ash Release Natural Resource Damage Assessment – Restoration and Compensation Determination Plan (Evaluation)

Recap of RCERB Meetings

March 19, 2015 Quorum (6/7) Presentation on ground water leaving the DOE OR Reservation by Bill McMilan, OR DOE-EM

February 5, 2015 Quorum (5/7) Discussion with R Woody on Board issues.

January 15, 2015 Quorum (5/7) TVA ash landfill. Bob Deacy with Tva addressed the Board

November 20, 2014 Quorum (5/7 members) Outdoor lighting code, 2015 planning

October 9, 2014 Quorum (6/7 members) Permit modification for TVA KIF coal ash/ gypsum landfill

September 11, 2014 Quorum (6/7 members). Combined meeting with Solid Waste Advisory Board