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**DISPUTE REGARDING OU#3 INITIAL SCREENING
OF ALTERNATIVES (ISA) REPORT**

03-04-91

**USEPA/DOE-ORO
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LETTER**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

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MAR 4 - 1991

Received
Office Of The Manager

MAR 5 1991

REPLY TO ATTENTION OF:

5RA-14

Mr. Joe LaGrone
Manager
United States Department of Energy
Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831-8501

Dear Mr. LaGrone:

On February 28, 1991, the Dispute Resolution Committee held a teleconference on behalf of the Senior Executive Committee on the dispute regarding Operable Unit (OU) #3 Initial Screening of Alternatives (ISA) report.

U.S. EPA's dispute regarding the ISA report started on December 21, 1990, when U.S. EPA disapproved a revised draft ISA report. In accordance with the 1990 Consent Agreement, U.S. EPA initiated a dispute to prevent the document from going final. In a January 4, 1991, letter, the United States Department of Energy (U.S. DOE) initiated a second dispute regarding U.S. EPA disapproval and assessment of stipulated penalties. U.S. DOE's dispute regarding the assessment of penalties has been consolidated with other U.S. DOE disputes on penalties.

In the February 28, 1991, dispute resolution conference call, U.S. EPA and U.S. DOE mutually agreed to resolve the two disputes that are currently before the Senior Executive Committee. U.S. EPA and U.S. DOE agree that all potential releases of hazardous substances in the production area are subject to response actions under the 1990 CERCLA Consent Agreement. This includes, but is not limited to, all buildings, waste, product, tanks, and storage areas in the production area and other suspect areas.

Thus, U.S. EPA and U.S. DOE agree that the draft ISA report submitted to U.S. EPA on November 21, 1990, is not, and will not become the primary final draft ISA report, as defined under the 1990 Consent Agreement. Instead, U.S. DOE agrees that it will submit a revised ISA report for OU #3 that minimally addresses the entire production and suspect areas as defined in U.S. EPA's December 21, 1990, disapproval letter. U.S. DOE will revise the draft ISA report to address all the deficiencies that U.S. EPA identified in U.S. EPA's December 21, 1990, disapproval letter.

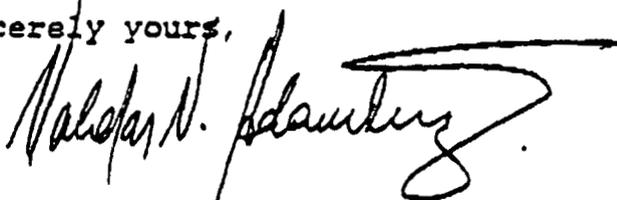
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U.S. DOE and U.S. EPA will work together to jointly develop an outline for a revised ISA report for OU #3. U.S. DOE agrees to submit to U.S. EPA for review and approval an outline for the revised ISA report within twenty-one (21) days of the date of this letter.

The outstanding dispute, initiated by U.S. DOE, on the assessment of stipulated penalties for OU #3 ISA report was combined with similar disputes from OUs #4 and #5 on January 25, 1991, and is not affected by this decision. This letter will serve to end the disputes raised by U.S. EPA and U.S. DOE over U.S. EPA's disapproval of the report, based on the agreement that the report will be revised to include the information and areas described above and in U.S. EPA's December 21, 1990, letter. In light of this agreement, U.S. DOE's dispute over U.S. EPA's disapproval of the ISA report is moot and both parties agree that the disputes do not need to be elevated beyond the Senior Executive Committee.

If you concur with ending these disputes and the position contained herein, please sign this letter and return it to me.

Sincerely yours,



Valdas V. Adamkus
Regional Administrator

Agreed to by:



Joe La Grone
Manager
Oak Ridge Operations

20 March 6, 1991
Date

cc: Graham Mitchell, OEPA
Leo Duffy, U.S. DOE - HQ