



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

Monthly Meeting of the Oak Ridge Site Specific Advisory Board

Approved October 9, 2024, Full Board Monthly Meeting Minutes

The Oak Ridge Site Specific Advisory Board (ORSSAB) held monthly full board meeting virtually via Zoom and in person at 1 Science.gov Way on Wednesday, October 9, 2024, at 6 p.m. Copies of referenced meeting materials are attached to these minutes. A video of the meeting was made and is available on the board's YouTube site at www.youtube.com/user/ORSSAB/videos.

Members Present

Kris Bartholomew
Mary Butler
Harold Conner, Jr.
Paul Dill
Amy Jones
Thomas McCormick

Harriett McCurdy
Christine Michaels
Charles Moore
Tonya Shannon
Michael Sharpe

Members Absent

Raiyan Bhuiyan¹
Rosario Gonzalez
Noah Keebler¹

Mike Mark¹
Tom Tuck

¹Third consecutive absence

Liaisons, Deputy Designated Federal Officer, and Alternates Present

Erik Olds, DOE Oak Ridge Office of Environmental Management (OREM) Deputy General Manager
Melyssa Noe, ORSSAB Deputy Designated Federal Officer (DDFO), OREM
Roger Petrie, ORSSAB Alternate DDFO, OREM
Kristof Czartoryski, Tennessee Department of Environment and Conservation (TDEC)
Debbie Duren, TDEC

Others Present

Leah Alexander, OREM
Abby Hill, OREM
Shelley Kimel, ORSSAB Staff

Sara McManamy-Johnson, ORSSAB Staff

Five members of the public were present.

Liaison Comments

Mr. Olds – Mr. Olds began the meeting by updating members on recent news within OREM, including ORSSAB successfully hosting the EM SSAB Fall Chairs' Meeting, the recent announcement that Orano USA will be building an enrichment facility – the largest investment in Tennessee history – at the East Tennessee Technology Park (ETTP), the beginning on demolition on Alpha-Two, and additional work completed recently on the Mercury Treatment Facility (MTF) sludge tanks. Additionally, he said TerraPower – the company receiving isotopes extracted as part of the U-233 Disposition Project – recently announced they are now producing isotopes at a commercial scale.

Mr. Roger Petrie – None.

Mr. Czartoryski – None.

Presentation

Mr. Bartholomew introduced TDEC's Debbie Duren to present on the Natural Resource Damage Assessment and Restoration (NRDAR).

Ms. Duren opened her presentation by giving background information on the Natural Resource Damage Assessment (NRDA). She said the NRDA assessed how contamination released from the Oak Ridge Reservation (ORR) has negatively impacted natural resources and resource services, such as fish, wildlife, surface water, sediment, soil, groundwater, nutrient cycling, provision of habitat, recreational fishing, and drinking water. She said the goal of NRDA is to restore natural resources equivalent to what was lost. Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), NRDAs are conducted by government officials – Federal or State governments and/or Indian Tribes – designated to act as trustees to bring claims on behalf of the public for the restoration of injured natural resources. Trustees for the ORR are TDEC, the Tennessee Valley Authority (TVA), DOE, and the U.S. Department of the Interior, U.S. Fish and Wildlife Service (USFWS).

Next, Ms. Duren described the differences between NRDA and cleanup remedies. She said the goal of a cleanup remedy is to reduce or eliminate present and future threats to human health or environment from release of hazardous substances and are often directed at substance itself and risk of exposure. These remedies, though, may not eliminate natural resource injuries caused by exposure. NRDA aims to restore natural resources to their baseline condition, which is the condition that would have existed without the release of hazardous substances, and it is estimated over time, including past, present, and future.

She said natural resource damage (NRD) is not “second clean-up,” lost tax revenue, lost property value, or stigma damage. Excluding the first example, those may be real damages but would need to be brought under a different legal cause of action.

Next, Ms. Duren gave a description of the history of the NRDA on the ORR and a timeline with the

specific areas addressed, followed by a summary of the process trustees used in the ORR assessment and a summary of the findings, as well as a link to the full report of the findings.

She said these findings were then used to move to the next step, restoration. The State of Tennessee and DOE signed an Administrative Order on Consent with USFWS and TVA concurrence on July 8, 2024. It provides \$42 million to compensate for natural resource losses, with about 50 percent funded through repurposing a perpetual care fund for the Environmental Management Waste Management Facility (EMWMF), the existing CERCLA landfill at the ORR, and about 50 percent paid by DOE. Trustees will oversee use of the \$42 million to select and fund resource and resource use-based projects.

She then described examples of the types of projects that would be funded and some of the specific criteria trustees will use when awarding grants.

Ms. Duren closed her presentation with some of the next steps for the restoration grant program, including information on TDEC's Grant Management System (GMS), where grant applications will be accepted.

Board members asked the following questions:

- Ms. Michaels asked when grant proposals will start being accepted.
 - Ms. Duren said possibly in November. She encouraged anyone waiting for the GMS to become available to go to the website and view a tutorial to get familiar with it.
- Ms. McCurdy asked how the baseline condition is identified.
 - Ms. Duren said CERCLA defines baseline as the condition before the release, however for releases before 1980, 1980 will be defined as the beginning point because that was the year CERCLA was enacted.
- Mr. Bartholomew asked if there would ever be a re-evaluation beyond the \$42 million agreement.
 - Ms. Duren said this should be the final amount unless there is something else that happens that was not covered by this settlement, which addresses historical releases.
- Ms. Butler asked if local government officials are aware of the NRDA agreement.
 - Ms. Duren said they are very aware of it.
- Ms. McCurdy asked who or what entities can apply for the grants.
 - Ms. Duren said eligible entities are listed in the Restoration Project Selection Procedure (RPSP) document, which is available on TDEC's website under the NRDA press release. She said it is very inclusive of both public and private organizations.

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- Mr. Conner asked for additional information on the process for finding projects and obtaining funding for a project.
 - Ms. Duren said the RPSP outlines the types of projects being sought and the required process, and planned workshops will address additional information about that grant application process.
- Mr. Conner asked what the timeline is for the grant application and funding process.
 - Ms. Duren said she expects the GMS to open in November and will likely remain open for 60 to 90 days to receive proposals. She said she expects first grant contracts could be issued by July 2025.
- Mr. Czartoryski asked date was used to calculate the settlement agreement and from which date would be a starting date for any additional damages.
 - Ms. Duren said the dates used were the CERCLA enactment date of 1980 and the date the NRDA agreement was signed, which was July 8, 2024.
- Ms. Butler asked how the grant awardee will be held accountable that the money was spent the way it was supposed to be spent.
 - Ms. Duren said accountability will be built into the grant contract, with specific scopes of work and deliverables.

Public Questions

- Mr. Doug Colclasure asked who are some of the ORR trustees.
 - Ms. Duren said Mr. Petrie is the DOE representative, Steve Alexander is the representative for USFWS, and Skip Markham is the representative for TVA.
- Mr. Luther Gibson asked if future damage assessments were possible.
 - Ms. Duren said this assessment is done, unless there is another release in the future.

Public Comment

- Public Comment #1 – Mr. Luther Gibson shared comments and suggestions regarding incoming correspondence for the board and specific reports that may be of interest. (See attached)
- Public Comment #2 – Mr. Doug Colclasure shared comments about the Wheat Community,

conservation areas, and greenway trails.

Board Business/Motions

- Ms. Noe introduced the current slate of officer candidates and asked for any additional nominations. The candidate for Chair was Amy Jones; the candidate for Vice Chair was Kris Bartholomew; the candidate for Secretary was Harriett McCurdy.

Ms. Noe asked for a motion to approve the slate of candidates.

- **10.9.24.1** Motion made by Ms. Butler and seconded by Ms. Jones. Motion passed.
- Ms. Jones asked for a motion to approve meeting minutes for the June monthly meeting.
 - **10.9.24.2** Motion to approve the June 12, 2024, meeting minutes. Motion made by Mr. Moore and seconded by Ms. Butler. Motion passed.
- Ms. Jones asked for a motion to approve meeting minutes for the August 14, 2024, Annual Planning Meeting.
 - **10.9.24.3** Motion to approve the August 14, 2024, Annual Planning Meeting minutes. Motion made by Ms. Butler and seconded by Mr. Bartholomew. Motion passed.

Responses to Recommendations & DDFO Report

Ms. Noe said there were no open recommendations. She added that members' packets included a draft work plan that will be the topic schedule for the following year. She asked members to review the work plan and decide which issue groups they would like to participate on and notify staff.

Committee Reports

Executive – Ms. Jones said the executive committee discussed the recent EM SSAB Chairs' Meeting and upcoming travel. She and Mr. Bartholomew gave members a brief recap of the Chairs' meeting for members unable to attend. Ms. Jones said the next executive committee meeting will be held November 6.

EM & Stewardship – Ms. Butler said the next EM & Stewardship committee meeting will be held in October and members would include the election of the FY 2025 EM & Stewardship Committee Chair and Co-chair.

Additions to the Agenda & Open Discussion

None.

Action Items

None

The meeting adjourned at 7:10 p.m.

I certify that these minutes are an accurate account of the October 9, 2024, meeting of the Oak Ridge Site Specific Advisory Board.

A handwritten signature in black ink, appearing to read "Amy Jones". The signature is fluid and cursive, with the first name "Amy" written in a larger, more prominent script than the last name "Jones".

Amy Jones,
Chair

A handwritten signature in black ink, appearing to read "A. Harriett McCurdy". The signature is written in a cursive style, with the first name "A." followed by the last name "McCurdy".

Harriett McCurdy, Secretary

November 13, 2024

Oak Ridge Site Specific Advisory Board

AJ/sbm