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Environmental Contaminants

DOE Natural Resources Trustee Council Completes First Restoration Project



The Natural Resources Trustee Council for the Department of Energy (DOE) Oak Ridge Reservation (ORR) completed their first restoration project in 2010. The DOE, Department of Interior, as represented by the U.S. Fish and Wildlife Service (Service), Tennessee Valley Authority, and the state of Tennessee, as represented by the Tennessee Department of Environment and Conservation (TDEC), are Trustees for Natural Resources under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Trustees formed a Trustee Council in 1993 and later signed a Memorandum of Understanding in 1995 governing the ORR Trustee Councils' activities. In 1995, DOE, TDEC, and the U.S. Environmental Protection Agency (EPA) signed a Record of Decision (ROD) for the Lower Watts Bar Operable Unit (OU) in which a no action remedy was selected.

This remedy was selected because the PCB, heavy metal, and radiological contamination was buried at various depths in river sediments and any attempt to remove the contaminated sediment would likely cause further dispersion. Ecological risk decisions were deferred in the ROD. The ORR Trustee Council then authorized the completion of an order of magnitude estimate of natural resource damages to the Lower Watts Bar Reservoir. In 2000, PriceWaterhouseCoopers LLP issued a draft report that estimated lost recreational use damages at Lower Watts Bar reservoir ranging from \$4.8M - \$7.2M. The Lower Watts Bar Reservoir Remedial Investigation/Feasibility Study (RI/FS) estimated it would cost \$30 billion to remove the contaminated sediments.

An Agreement-in-Principle (AIP), finalized in 2002 between the State of Tennessee and DOE, outlined an approach for the establishment of a conservation easement on approximately 3,000 acres on the ORR. This conservation easement project area is known locally as Black Oak Ridge, and provides valuable nesting and foraging habitat for a variety of neo-tropical migratory birds, including the Cerulean warbler (*Dendroica cerulea*). The ORR also provides roosting and foraging habitat for the endangered gray bat (*Myotis grisescens*) and Indiana bat (*Myotis sodalis*). The ORR Trustee Council approved the AIP, and a draft management plan for the Black Oak Ridge Conservation Easement (BORCE) was prepared by TDEC, Tennessee Wildlife Resources Agency, and the Service. This management plan included an in-kind funding agreement between DOE and TDEC. An interagency agreement (IAG) between the Service and DOE was utilized to retain the services of Industrial Economics, Inc. (IEC). IEC assessed the damages/losses and quantified natural resource injuries resulting from the release of hazardous substances to the Lower Watts Bar Reservoir Operable Unit (OU).

services provided under the BORCE are sufficient to compensate for damages to natural resources in Watts Bar Reservoir. This takes into account the uncertainty inherent in the analyses of both losses and gains (e.g., the level of ecological services provided by contaminated resources and protected upland resources, and the nature and extent of potential development that may occur if the BORCE were not in place). Additional recreational fishing restoration projects for Watts Bar Reservoir (Tennessee River, Clinch River, and Emory River) were then developed and included in the final settlement. The Trustee Council completed their final report and conducted a public meeting in Oak Ridge in July 2009. The Trustee Council concurred on a final settlement for damages in the Lower Watts Bar OU and an agreed order-on-consent governing both CERCLA and NRDAR-related claims was signed by TDEC and DOE on October 6, 2010. Information or questions concerning the Environmental Contaminants Program in Tennessee can be obtained from **Mr. Steve Alexander**.