

Subject: Comments on DOE/EA-2144, Draft Environmental Assessment for the Oak Ridge Enhanced Technology and Training Center

To: NNSA-NEPA Document Manager, ORETTTC Draft EA via email: NEPA.Comments@npo.doe.gov

From: Advocates for the Oak Ridge Reservation (AFORR)

Date: September 21, 2020

Advocates for the Oak Ridge Reservation (AFORR) is pleased to submit these comments on DOE/EA-2144, the Draft Environmental Assessment for the Oak Ridge Enhanced Technology and Training Center (ORETTTC) issued for comment by the National Nuclear Security Administration (NNSA) in August 2020.

AFORR is a locally-based nonprofit organization that exists to support the preservation and appropriate stewardship of the natural resources of the Department of Energy (DOE) Oak Ridge Reservation (ORR) for the long-term benefit of DOE, the local community, and national and international interests.

AFORR has been concurrently reviewing two DOE environmental assessments (EAs) for proposed actions on the Oak Ridge Reservation, the other being DOE/EA-1113-A2, Environmental Assessment Addendum, Proposed Revitalization of Parcel ED-1 at the Horizon Center, Oak Ridge, Tennessee. These two documents reached us on the same day in August, and we are submitting comments on both. Our concurrent efforts to review two EAs raise an issue that is larger than either of these EAs: the need for a site-wide environmental impact statement covering DOE programs, activities, and plans across the ORR.

Need for Site-Wide NEPA Review of Oak Ridge Reservation Activities

As federal property, the ORR is an asset that belongs to the people of the United States (and in fact was taken from some of the people of the United States in a time of urgent national need). It does not belong to the DOE; rather, DOE is the agency entrusted with its management. While DOE's primary purpose is to conduct activities in support of certain high-priority national needs on parts of the Reservation, we believe that DOE has a larger obligation to ensure that this public asset is responsibly managed in support of the broad public interest, now and in the future. For over two decades, AFORR has contended that to properly discharge its management obligations for the ORR, DOE should prepare a site-wide environmental impact statement (EIS) for the entire DOE ORR, as provided for in DOE National Environmental Policy Act (NEPA) regulations at 10 CFR 1021.330, to include comprehensive consideration of land use. The regulation states: "As a matter of policy when not otherwise required, DOE shall prepare site-wide EISs for certain large, multiple-facility DOE sites." This requirement has been in place for many years, and there is no question that the Oak Ridge Reservation is a large, multiple-facility DOE site (with arguably more diversity of facilities and operations than any other DOE site), but there has never been a site-wide EIS to comprehensively examine the impacts of DOE programs and management activities across the Reservation.¹ Every other major DOE site, and even some much smaller sites, has conducted at least one site-wide EIS, and most have reevaluated these documents regularly and conducted new site-wide EISs when situations have changed. For example, we note that on August 5 the NNSA issued a Notice of Intent for a new site-wide EIS for the Lawrence Livermore National Laboratory (<https://www.energy.gov/sites/prod/files/2020/08/f77/noi-eis-0547-llnl-site-wide-2020.pdf>), to replace or

¹ There is a site-wide EIS for the Y-12 National Nuclear Security Site on the ORR, but it addresses only the one facility, not the entire DOE site.

update previous site-wide EISs published in 1992 and 2005. In the absence of a site-wide EIS for the Oak Ridge site, there has been a history of piecemeal land transfers that have been dismantling the Oak Ridge Reservation piece by piece, with a NEPA EA and Finding of No Significant Impact (FONSI) for each transfer, thus segmenting a larger action that should be considered a major federal action required to be examined by an environmental impact statement.

The fact that we received two different DOE draft EAs on the same day for two different DOE proposed actions (the ORETTTC EA and DOE/EA-1113-A2, the EA Addendum for Proposed Revitalization of Parcel ED-1 at the Horizon Center) at locations that are located across a highway from each other (the Horizon Center is directly across Tennessee State Route 95 from the proposed site for the ORETTTC), yet neither EA acknowledges the existence of the other proposed action or discusses their potential cumulative impacts, only emphasizes for us that DOE has failed to coordinate its actions affecting the ORR, much less treat the ORR as a coherent whole that deserves coordinated management. A site-wide EIS is required to help guide future decisionmaking by providing DOE and the public with a holistic understanding of the values of the ORR, the purposes and impacts of ongoing and future activities by DOE and other entities, and potential future directions for management of this resource.

Inadequacy of NEPA implementation.

Setting aside for the moment our contention that a site-wide EIS is required, and considering this EA as a NEPA review of a single project (independent of), we find that this NEPA review has not been conducted properly.

NEPA review is not timely. The purpose of an EA is not solely to determine whether an EIS is needed, but also to inform the decisionmaker(s) and the public regarding the action and its potential consequences. This means that the environmental assessment should be timely -- conducted early enough so that it can serve as an important practical contribution to the decision-making process and will not be used to rationalize or justify decisions already made (40 CFR 1502.5). It also requires effective efforts to involve the public.

It appears from this document and other information that NEPA review was started much too late to make any difference in the agency decision. In fact, it appears that the decision was made months ago. This is contrary to the intent of NEPA as well as a violation of the requirements of Council on Environmental Quality (CEQ) regulations at 40 CFR 1502.5 and DOE NEPA regulations at 10 CFR 1021.200 through 1021.212.

In March 2020 an organization of the Roane County Industrial Development Board (IDB) published an advertisement in a local newspaper seeking a developer/construction manager to design and build a training facility (apparently the state-owned component of the ORETTTC) at the site identified in this EA (see illustration below). Design work was to begin in June (two months before the draft EA was published) so construction could begin in November 2020. Consistent with that, it appears from this EA that the federal facility has been designed; otherwise it would not be possible to plan to start construction in November 2020, as is stated on page 3-65 of the document.

3-24-2020

**Request for Expressions of Interest
For Development of
Emergency Response Training Facility**

The Roane County ETC Project, LLC (RCEP), a single member limited liability company to be formed by the Roane County Industrial Development Board, is seeking expressions of interest for a Developer/Construction Manager to plan, design and build a new Emergency Response Training Facility (ERTF) on a 21 acre parcel on the western end of Oak Ridge, Tennessee across highway 95 from the Horizon Center. The facility design and construction will be fully funded with a budget between \$11 million and \$13 million. The proposed facility will be generally as follows:

1. An academic/training facility between 30,000 and 50,000 square feet, up to 3 floors with primary usage as classrooms, offices, administration and two high bays for multiple-purpose testing equipment which will be skid-mounted. At least two high-bay areas, each with at least 2,000 square feet, will have roll-up doors for equipment access.
2. Classroom size will need to accommodate 20 – 50 students. Some classrooms will need to be adjustable/configurable. It is envisioned that some classrooms will have fixed hardened walls while others will have collapsible partition walls to accommodate space need requirements. Classrooms will be wired for individual internet capability. Each room will be wired for audio and video capability. Video capability will via a mounted TV monitor or a projection screen.
3. The general occupancy should be planned at 200 – 300. There should be at least (1) male and (1) female restroom per floor. There should be a general eating area to accommodate 50 persons at a given time. Office spaces will accommodate (2) people per room and will be frosted glass or hard walled.
4. The front exterior of the facility will be brick and glass and will have parking to accommodate up to 300.
5. The proposed site is an unencumbered, wooded site with nearby utilities available from the City of Oak Ridge. The Developer/Construction Manager will be tasked with developing the site and extending utility services from a point at the boundary of the 21 acre site to the facility.

The RCEP is seeking a development firm to work to manage all elements of planning, facility programming, development, design and construction and to deliver the facility for a cost that is within the amount available to RCEP. The development firm would be responsible to contract and manage all design and construction work. It is anticipated that facility/site design would begin in the June timeframe, followed by construction in the fall of 2020. Following the completion of construction, the development firm may be asked to provide certain services related to Property Management for the facility. A user for the facility has been identified, and it is anticipated that the user will provide routine maintenance for the facility during occupancy by them.

The ERTF will be located on a larger site with future training facilities planned. While not specifically part of this request for expressions of interest, there may be interest in building a second facility in close proximity to the Emergency Response Training Facility.

Interested parties should respond with qualifications, relevant experience and potential teaming arrangements if applicable. Following expressions of interest, an information meeting will be scheduled with the firms that express and interest and will be followed by a request for proposals.

Expressions of interest should be sent via email or postal mail to the following by 3/31/2020. General questions may also be referred to the following person by email or postal mail:

Roane County ETC Project
c/o The Roane Alliance
Attn: Mr. Justin Snow / IDBchair@roanealliance.org
1209 N. Kentucky Street
Kingston TN 37763

Inadequate public involvement. The purpose of effectively informing decisionmaker(s) and the public regarding the action and its potential consequences also requires meaningful provisions for public involvement. In normal times (before COVID-19), at least one public information session would have been held to inform the public about a project like this one, and documents cited in the EA (such as Consolidated Nuclear Security, LLC (CNS). “Oak Ridge Enhanced Technology and Training Center Master Site Plan.” April 2020; CNS 2020b CNS. “Enhanced Training Center Site Analysis Report.” February 2020; and CNS 2020c CNS. “Data Call for the ORETTTC EA.” July 2020) would have been available for review at the public information session and the Oak Ridge Public Library. In this time of restricted activity due to coronavirus that is not possible, but it would be reasonable to expect that, at a minimum, the public notice would have included the name of a contact person and a phone number for

people to call to ask questions. (Neither of these was included in the public notice.) This project has received almost no public attention, and with only a 30-day public comment period on this EA, NNSA is not using this EA as an opportunity to inform the public about a project that people may be very interested in.

Additionally, the public notice was inadequate to communicate what was proposed. The location was described in the public notice as 5 miles west of Y-12 and on the Oak Ridge Reservation. That description is not meaningful for the community, even including people who drive past the project site every day on the public highway. Yes, the site is about 5 miles west of Y-12 (as the crow flies), and also 25 miles west of Knoxville and three miles northwest of the Oak Ridge National Laboratory (as indicated in the EA text), but people would recognize the location far more easily if the public notice had included a simple map and had described the location in reference to identifiable features such as the state highway that borders the property – for example: "adjacent to Tennessee State Route 95 about 1 mile north of its intersection with State Route 58, across the highway from the Horizon Center industrial park." A cynic might even suggest that NNSA was trying to prevent public information by publishing an obscure public notice and limiting opportunities for public interaction.

Failure to identify and consider reasonable alternatives. It is not at all clear that NNSA identified or considered reasonable alternatives to the proposed action.

The purpose and need for agency action normally is the starting point for identifying alternatives, since the range of reasonable alternatives (other than the required No Action alternative) should consist of alternative ways to meet that purpose and need. The purpose and need for action stated in this EIS is (in brief summary) to provide centralized training facilities and equipment to train first responders and other experts who are currently receiving training at Y-12 and other locations across the country. This is a national-scale need; if this is truly the purpose and need for action, it is not obvious why the only reasonable alternative (other than No Action) is to construct and operate a new facility on a specific piece of land in Oak Ridge, Tennessee. (Couldn't the national-scale need be met by a facility in some completely different part of the country?) In reality, it appears that a major element of the purpose and need for action is to take advantage of some restricted state of Tennessee funding by providing DOE land in Roane County, Tennessee, for a state-funded training facility adjacent to the proposed NNSA training facility. Accordingly, the purpose and need for action should be correctly stated as being to provide the centralized training facilities noted above at a site that also can accommodate an adjacent or collocated Emergency Response Training Facility (ERTF) to be funded by the state of Tennessee with the proviso that it must be located in Roane County, Tennessee. In response to that purpose and need, the proposed action in the EA should be the siting, construction, and operation of the combined ORETTC and ERTF. Selecting a site for the collocated facilitated and providing land for the state ERTF is a federal agency action, and the provision of land, construction, and operation of the ERTF facility should be part of the action assessed in this EA, not a connected action.

With the acknowledgment that the need to site the ORETTC and the ERTF as a combined facility means that siting options are restricted to the Roane County portion of Oak Ridge, it is not clear that NNSA gave due consideration to possible alternative sites. Is it necessary that these facilities be located on a greenfield site covered with forest vegetation? Couldn't these facilities be located on cleared undeveloped land in the Horizon Center Industrial Park across the highway from the proposed site, or in formerly developed vacant land in the nearby Heritage Center Industrial Park (formerly the K-25 site)? EA Section 2.3, Alternatives Considered but Eliminated from Detailed Analysis, identifies and discusses three other siting areas (i.e., the Central Training Facility operated by the Office of Secure Transportation, a site near the intersection of Bethel Valley Road and Scarboro Road, and an onsite location within Y-12), all of

which appear to be "red herrings" in that they clearly do not meet threshold suitability criteria associated with the purpose and need for action. (The Central Training Facility site is not available, the Bethel Valley-Scarboro Roads site is not in Roane County, and the Y-12 site could not host a state facility and would not be accessible to some personnel who would require training.) Sites at the Horizon Center and Heritage Center do appear to meet these threshold criteria, and additionally have the environmental advantage of avoiding the impacts that would result from loss of forest vegetation, wetlands, and wildlife habitat. The final EA needs to address alternatives of siting this facility on these and other local sites that have already been cleared of vegetation and are ready for development.

We note that the 81-acre site is much larger than the area apparently required for the proposed facilities. This suggests that a much smaller site would have been ample. Why was the rest of the site transferred? What would it be used for?

Affected Environment and Environmental Consequences

Need to include both facilities in the assessment of impacts. As stated above, because the purpose and need for federal action includes both the ORETTTC and the ERTF, the proposed action in the EA should be the siting, construction, and operation of the combined facilities. Accordingly, we believe that the construction, and operation of the ERTF facility must be assessed as part of the action assessed in this EA. Although EA section 1.4 (page 1-3) states that the construction and operation of the ERTF are evaluated as part of the Proposed Action in this EA, we found that it is not consistently included, as noted in specific comments below.

The assessment of impacts should not make conclusions about significance. Throughout Chapter 3 there are statements to the effect that effects on specified resources would be less than significant. These are statements of conclusions that are reserved for a FONSI; they do not belong in the impact assessment. The EA should tell about the nature and magnitude of the impact and leave the conclusions for the FONSI, which is the decision document.

Section 3.2. Land Use

Section 3.2.2, page 3-7. This text indicates the land area that would be cleared or disturbed for the federal portion of the proposed facility, but there does not appear to be any indication of the land areas affected by construction of the state-funded portion.

Section 3.3. Visual Resources

Section 3.3.1, page 3-8. The third paragraph of this section states "The land is not readily accessible to the public; therefore, no visually sensitive locations are defined on the ORETTTC site." The statement about accessibility is not accurate; the proposed site is located on a public highway and is adjacent to a residential subdivision (under development), so portions of the site are very visible.

Section 3.3.2. The text on page 3-9 leads the reader to believe that Fig. 3-8 on page 3-11 is a view of what the proposed site entrance would look like, but in fact it is a photo of the current site conditions, with no attempt to show what the area would look like after development.

Section 3.4. Air Quality

Section 3.4.2.

1. The statement in the first sentence of this section (page 3-13) that there would be "less than significant adverse effects to air quality" is a statement of conclusion that is appropriate for a FONSI, but not an EA.

2. The first full paragraph on page 3-14 states that fire training would generate smoke, describes smoke as an air contaminant, and concludes with a statement that "smoke from fires is often more concentrated [than emissions of similar contaminants from other sources] and poses more of an immediate, short-term health concern to someone breathing it." That raises questions about impacts, but there is no further attempt to assess the impact, such as discussion of where exposure to smoke plumes would occur and what concentrations receptors would be exposed to. Among the relevant questions to be answered are: At what height would plumes be emitted? What are the prevailing wind directions at this site? How far away could a smoke plume travel? What kinds of smoke concentrations would be experienced by nearby residents? Would burn activities be scheduled when weather conditions that would minimize offsite impact or to avoid time periods when sensitive members of the public might be in areas where exposure is likely? Would the burning activity be similar to what occurs periodically at the municipal fire department training tower in Oak Ridge, or would it involve different fuel types or a tower of a different height? Could the emissions of fine particles affect Roane County attainment of air quality criteria for PM-2.5?

Section 3.6. Water Resources

Section 3.6.2.

1. After land is cleared and impervious surface area is increased, will the increased runoff volume cause bank erosion and gully formation in the stream channels that drain the site?
2. Water from fire training activities and detained stormwater would need to be discharged periodically, and it appears that it would be released to one or more of the small streams that drain the site. This section states that a state discharge permit would be obtained for this discharge, but permits do not eliminate impacts. What are the expected impacts of discharging this water? How much volume will it add to normal stream flow? Will the chlorinated drinking water used in fire training be stored in ponds long enough for the chlorine to dissipate so that its discharge does not adversely affect aquatic life in the receiving streams?
3. The last sentence of the first paragraph on page 3-22 states "No foam or chemical agents would be used for firefighting training." Given that PFAS chemicals used in firefighting foams are a major emerging environmental issue around the country (and that new substitutes for PFAS chemicals are chemicals whose toxicological profiles still are not known), and fire training activities have contaminated water supplies at many sites, this is a very important commitment. Contractual documents between NNSA, the state, the Roane County IDB, and any operating contractors should emphatically prohibit the use of foam and chemical agents in firefighting training.

Section 3.8. Biological Resources

Section 3.8.2

1. The estimates of the land areas of forest (or other vegetation) and wetlands that would be lost should classify the affected lands according to more specific vegetation type. Not all forests are equal in value, and not all wetlands are the same. How do the habitats that would be lost compare in quality and area to the total presence of similar habitats on the ORR and in the area?
2. Does the diagram of proposed facilities in Fig. 3-14 include the state component of the project, or are these just the federal facilities?
3. Considering the high ecological value of the perennial stream that intersects the ORETTTC site (supporting many fish, including the state-listed Tennessee dace, as well as the only known Roane County

population of state-listed black mountain salamander) and the likely presence of significant species in other aquatic habitats on the site, it seems that more attention should be given to avoiding or minimizing impacts to aquatic resources. For example, is it truly necessary for the two sets of buildings to be on opposite sides of this stream and connected by a road? Couldn't both sets of buildings be located between the same pair streams? Alternatively, couldn't the public highway be used for more traffic between the two areas, thus reducing the width of the interior roads?

4. The stated commitment (page 3-36, first paragraph) to limit the road corridor to 36 feet wide and the pedestrian corridor to 10 feet wide across the 100-foot riparian buffers on either side of the stream hardly seems like a commitment to minimize impacts to wetlands and streams. A 24-foot width ought to be ample for this segment of the road and sidewalks seldom are as wide as 10 feet. Please consider using permeable decking material for any pedestrian walkways that cross the wetland and stream; for example, the deck surfaces on the launch docks (installed adjacent to Calhoun's Restaurant) used for regattas on the rowing course on Melton Lake in Oak Ridge are constructed of metal grid that provides a good surface for pedestrian movement while allowing water and light to penetrate.

Section 3.10 Socioeconomic Resources and Environmental Justice

Section 3.10.1, Page 3-45, paragraph 2. This text mistakenly indicates that law enforcement in the ROI is by county sheriffs and the Tennessee Highway Patrol. In fact, the region also has city police departments, including the Oak Ridge Police Department, which is the primary law enforcement agency for the proposed ORETTC site.

Section 3.10.2.

1. What is the expected nature of the jobs of the 20 permanent workers in these facilities during operations? Are these mostly maintenance and security personnel? Do they include professional trainers?
2. How would this project affect local property tax receipts? As federal property, these sites are not currently subject to property taxation, but the county and city receive payment in lieu of property tax. Would the transfer of property for the ERTF eliminate in lieu of tax payments for that land? If so, how much revenue would be lost to local jurisdictions?

Section 3.11 Health and Safety, Accidents, and Intentional Destructive Acts

Section 3.11.1. This section states that "the proposed ORETTC would not utilize releasable quantities of radiological materials, nor any significant quantities of hazardous materials." The qualifying words "releasable" and "significant" suggest that some training activities would use radioactive and hazardous materials. What do these words signify? Section 1.3 states that the ORETTC would include a Simulated Nuclear and Radiological Activities Facility. Do these words mean that there could be some training with radioactive and hazardous materials, or does this only mean that there could be minor amounts of material onsite, possibly for activities like demonstrations of radiation detectors? If these facilities are for training in hazardous activities, does it make sense to locate them close to an important public highway? DOE normally maintains safety buffers around hazardous activities, but this operation would be very close to a public road.

Section 3.11.2. Could an operating accident ever cause temporary closures of Hwy. 95?

Section 4. Cumulative Impacts

1. We are surprised to see that this EA does not consider the activities addressed in the Horizon Center EA Addendum as a potential source of cumulative impacts. That proposed action is closer to this site than

the two actions (airport and Office of Secure Transportation drive track) that are considered in this EA as sources of cumulative impact, and (unlike the other actions) the Horizon Center action would affect the same streams as well as some interconnected ecological resources. Therefore, the combined effects of the proposal in that EA, which would remove or relax environmental restrictions affecting ED-1, and change the allowable land uses in the Horizon Center to allow construction of a diversified motorsports facility in the Horizon Center, deserve careful examination. Cumulative effects appear to include greater loss of ecological resources than would occur from either action alone (an impact that is not necessarily additive, because of the greater possibility of threshold effects that can lead to impacts such as species loss), greater short-term impacts from construction (for example, air quality impacts from fugitive dust and water quality impacts from construction site erosion and sedimentation) if construction occurs on both sites at the same time, and impacts on traffic congestion and safety due to greater traffic volumes and greater amounts of turning activity on and off the highway, particularly during construction or well-attended motorsports events. Although potential noise impacts from the ORETTTC appear to be modest compared with those of the airport, the drive track, or the motorsports facility, the combined impacts of the four actions, both on noise levels and on the size of the area affected by noise, deserve to be explored – and disclosed to decisionmakers and the public.

2. Does the presence of a nearby airport increase the impacts of firefighter training at the ORETTTC/ERTF? Specifically, could smoke from fire training activities affect operations at the proposed Oak Ridge airport, or could Federal Aviation rules restrict fire training activity at the ORETTTC/ERTF site?

AFORRW appreciates the careful consideration of each of these points.

Cc (via email):

John Shewairy, U. S. Department of Energy
Brian Costner, Director, DOE Office of NEPA Policy and Compliance
Mark Watson, City Manager, City of Oak Ridge
Shannon Young, Tennessee Wildlife Resources Agency (TWRA)
Colby Morgan, TDEC
Ron Woody, Roane County Executive, Roane County, Tennessee
Senator Marsha Blackburn
Senator Lamar Alexander
Representative Chuck Fleischmann
Robert Kennedy, Chair of the Environmental Quality Board of the City of Oak Ridge
Tennessee Chapter of The Nature Conservancy
Tennessee Chapter of the Sierra Club
Southern Environmental Law Center
Tennessee Citizens for Wilderness Planning
Foundation for Global Sustainability
Tennessee Wildlife Federation, Drew Loschke