Attachment 2

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INTERAGENCY AGREEMENT
WATTS BAR RESERVOIR PERMIT COORDINATION

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INTERAGENCY AGREEMENT
WATTS BAR RESERVOIR PERMIT COORDINATION

AMONG THE U.S. TENNESSEE VALLEY AUTHORITY, NASHVILLE DISTRICT U.S. CORPS OF ENGINEERS, U.S. DEPARTMENT OF ENERGY, U.S. ENVIRONMENTAL PROTECTION AGENCY, AND THE TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT*

I. PURPOSE AND SCOPE

The purpose of this agreement is to establish a procedure for the interagency coordination and review of permitting and other use authorization activities by the U. S. Army Corps of Engineers, Nashville District, and U.S. Tennessee Valley Authority which could result in the disturbance, resuspension, removal and/or disposal of contaminated sediments or potentially contaminated sediments in the Watts Bar Reservoir. This agreement identifies the cooperative efforts of the U.S. Department of Energy (DOE), U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers Nashville District (USACE), U.S. Tennessee Valley Authority (TVA), and The Tennessee Department of Health and Environmental (TDHE) to achieve this goal. This Interagency Agreement relates only to the issues associated with the contaminated or potentially contaminated sediments resulting from the DOE Operations at Oak Ridge, Tennessee. It does not suspend or void other permit review and coordination agreements that currently exist between the participants, nor does it preempt or limit in any way the authority of TDHE, EPA, TVA, USACE, or DOE for those matters which are under their regulatory or statutory jurisdiction or authorization. This agreement does not address, nor is it intended to address, any remediation responsibility of any of the parties. The agreement becomes effective when signed by all parties.

* Executive Order No. 42 of February 4, 1991 transferred the environmental functions of the Department of Health and Environment to the Department of Conservation. All references to TDHE throughout this agreement should be understood to refer to the Department of Conservation and any successor agency that houses these environmental Divisions.

II. AUTHORITIES

A. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

B. Section 404 of the Clean Water Act (33 U.S.C. 1344).

C. Section 26a of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831y-1).

D. Sections 4(k) and 31 of the Tennessee Valley Authority Act of 1933, as amended, Public Law 87-852, Public Law 93-153, the Federal Property and Administration Services Act of 1949, and other TVA land use agreements that can be authorized under the TVA Act.

E. The Tennessee Water Quality Control Act of 1977 including 1987 amendments (69-3-107).

III. LIMITS OF AREA TO BE CONSIDERED BY THIS AGREEMENT

This agreement applies only to those portions of Watts Bar Reservoir which are subject or may potentially be subject to sediment contamination by the DOE Operations at Oak Ridge Tennessee. Specifically the areal extent of contaminated or potentially contaminated sediments has been initially identified to include the mainstream, embayments and impounded tributaries of Watts Bar Reservoir as follows:

A. Tennessee River from Mile 529.9 (Watts Bar Dam) to Mile 569.0 (Webster Bluff Light).

B. Clinch River from Mile 0.0 (Mouth at Tennessee River Mile 567.5) to Clinch River Mile 23.1 (Melton Hill Dam).

C. Emory River from Mile 0.0 (Mouth at Clinch River Mile 4.3) to Mile 5.2 (downstream from the confluence of the Little Emory River).

The areal extent may be redefined (expanded or reduced) as additional information becomes available during the DOE Remedial Investigation/Feasibility Study of Watts Bar Reservoir. (See Attachment 1 for a location map identifying the initial areal extent of this agreement.)

IV. RESPONSIBILITIES

GENERAL:

The agreement will be administrated by a Working Group (WG) consisting of a designated member (and alternate) from each participating agency. The Group will be chaired by the TDHE.

Upon the identification of the individual agency members, the Group shall meet and develop its internal operating and followup procedures, and coordination contacts.

The WG shall develop a screening list of all actions permitted or authorized under the regulatory authority of the USACE and TVA to identify those specific actions which can be categorized as having No Significant Sediment Disturbance (NSSD), Marginal Sediment Disturbance (MSD), or Potential Major Sediment Disturbance (PMSD), with respect to contaminated sediment issues within the designated area of Watts Bar Reservoir. The WG shall periodically review and update the screening lists to determine if, based on operating experience or additional information, changes are warranted in specific action categories. (See Attachment 2 for the initial screening lists.)

All actions identified in the NSSD Category will be processed under the existing USACE and TVA review and coordination procedures without further consideration or review relating to the sediment contamination issues addressed in this agreement. Those actions within the MSD and the PMSD categories will be subject to a case by case review under this agreement prior to a final decision by USACE and TVA.

Specific agency responsibilities under this agreement are identified as follows:

A. <u>U.S.TENNESSEE VALLEY AUTHORITY</u>

1. Review all permit and use applications to determine the appropriate action category. For those applications which under existing processing procedures would involve coordination with the USACE, contact the USACE to solicit their concurrence with the screening category. For those applications involving actions within the NSSD category proceed with the application processing and appropriate action in accordance with TVA's existing established review and coordination procedures.

2. For those applications which would be categorized as MSD or PMSD actions provide a copy of the application to each agency WG member for review and a determination of an appropriate recommendation from their agency's perspective.

3. In consultation with the USACE develop and implement a procedure to provide notification to the applicant of the action category status of their application and to the extent possible the time period which may be required to process or to determine the acceptability of the proposed action.

4. Request the WG chairman to develop a recommendation with respect to the sediment contamination issue associated with individual MSD or PMSD actions.

5. Upon receipt of the recommendation complete the processing of the application.

B. U.S. ARMY CORPS OF ENGINEERS (NASHVILLE DISTRICT)

1. Review all permit applications to determine the appropriate screening category. Forward copies of the applications to TVA to solicit their concurrence with the screening categorization. For those applications which are within the NSSD category proceed with the application processing and appropriate action in accordance with USACE's existing established review and coordination procedures.

2. In consultation with TVA develop and implement a procedure to provide notification to the applicant of the action category status of their application and to the extent possible the time period which may be required to process or to determine the acceptability of the proposed action.

3. Upon receipt of the recommendation complete the processing of the application.

C. DEPARTMENT OF ENERGY

1. Upon receipt from TVA of a copy of an application for a proposed action in the MSD or PMSD category, review DOE's existing sediment data base and provide copies of all available data in the vicinity of the proposed action to each member.

2. As requested by the chairman, acquire appropriate sediment data where existing data are not adequate or available in the vicinity of the proposed action. Provide each member an estimate of the date when the data can be available and copies of the data when available.

3. As requested by the chairman, provide appropriate technical assistance, including risk analysis, to all parties.

D. ENVIRONMENTAL PROTECTION AGENCY

1. Upon receipt from TVA of a copy of an application within the MSD or PMSD category, in conjunction with the existing available sediment data to be provided by DOE, review the application and provide each member with a recommendation for appropriate action.

E. TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT:

1. Coordinate Group efforts and serve as chairman of the Group.

2. Upon receipt from TVA of a copy of an application within the MSD or PMSD categories, in conjunction with the existing available sediment data to be provided by DOE, review the application and provide each member with a recommendation for appropriate action.

3. Identify and provide guidance to the members on specific additional data needs for the proposed actions.

4. Determine the adequacy of existing or acquired data in characterizing the sediments at the location of a proposed permit action.

5. In consultation with EPA, request DOE to collect sediment data in the vicinity of proposed actions where existing data is determined to be inadequate or not available.

6. Provide the applicant, and WG members with a final recommended action with respect to any application within the MSD or PMSD categories.

V. DURATION OF THIS AGREEMENT

This agreement shall become effective upon the signature of the last party.

This agreement shall remain in effect until such time as the participants mutually agree to its termination. Any party can terminate its participation in the agreement upon 30 day written notice to all other parties.

Proposals to amend this agreement shall be made in writing to all participating parties.

NOW, THEREFORE, the undersigned representative of each party hereby certifies that he is fully authorized and does hereby enter into the terms and conditions of this Agreement.

for Greer C. Tidwell, Regional
Administrator, Region IV
U.S. Environmental Protection Agency

Date: 2-28-91

Colonel James P. King
Nashville District
U.S. Army Corps of Engineers

Date: 2-25-91

J. W. Luna, Commissioner
Tennessee Department of
Conservation

Date: 2/25/91

W. F. Willis
Vice President, Resource Group
and Chief Executive Officer
U.S. Tennessee Valley
Authority

Date: 2-26-91

Joe LaGrone, Manager
Oak Ridge Operations,
U.S. Department of Energy

Date: 2-26-91

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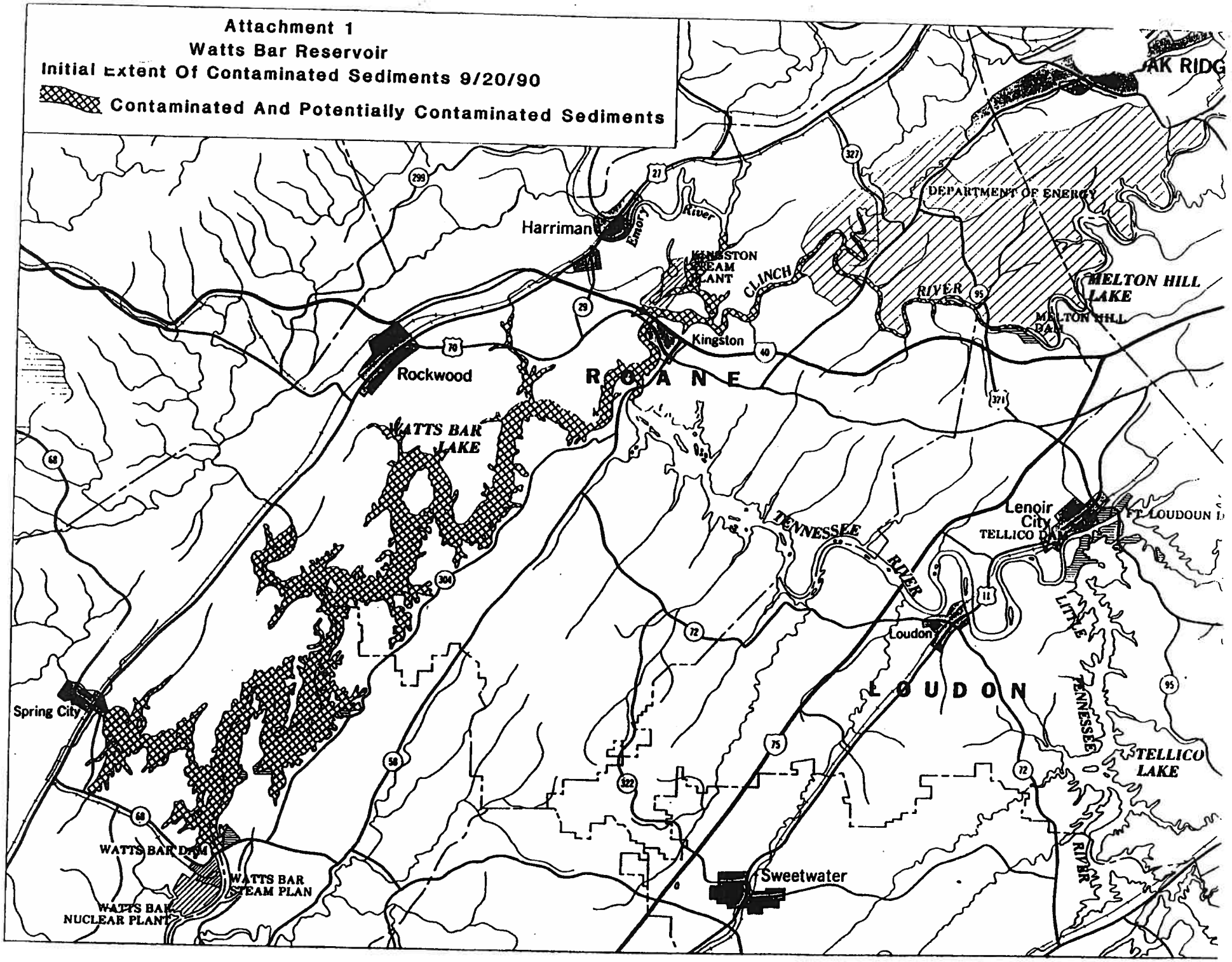
Attachment 1
Watts Bar Reservoir
Initial Extent Of Contaminated Sediments 9/20/90
Contaminated And Potentially Contaminated Sediments
Harriman
Emory
River
KINGSTON STEAM PLANT
CLINCH
RIVER
Kingston
Rockwood
ROANE
WATTS BAR LAKE
DEPARTMENT OF ENERGY
MELTON HILL LAKE
MELTON HILL DAM
TENNESSEE
RIVER
Lenoir City
TELLICO DAM
FT. LOUDOUN
Loudon
LOUDON
LITTLE
TENNESSEE
RIVER
TELLICO LAKE
Spring City
WATTS BAR DAM
WATTS BAR STEAM PLAN
WATTS BAR NUCLEAR PLANT
Sweetwater

ATTACHMENT 2

ACTION SCREENING CATEGORIES
FOR THE
WATTS BAR RESERVOIR
CONTAMINATED SEDIMENT AREA

NO SIGNIFICANT SEDIMENT DISTURBANCE

Aerial Crossing - Cable TV
Aerial Crossing - Electric
Aerial Crossing - Gaging Station
Aerial Crossing - Other
Aerial Crossing - Sewer
Aerial Crossing - Telephone
Aerial Crossing - Water
Agricultural License
Beach
Boat Launching Ramp - Concrete (push in slab within drawdown zone or no excavation and site preparation below elevation 741)
Boat Launching Ramp - Gravel
Boat Lift
Boat Slips - Fixed (supports driven)
Boat Slips - Fixed - Private (support holes dug above elevation 731)
Boat Slips - Fixed and Floating (supports driven)
Boat Slips - Fixed and Floating - Private (support holes dug above elevation 731
Boat Slips - Floating
Boathouse - Floating
Breakwater - Fixed - Private (supports driven or support holes dug above elevation 731
Breakwater - Floating
Bridge - Pedestrian (supports above elevation 731)
Building - Open to the Elements (i.e., airplane hangars, storage lockers, open shelters, etc.)
Building - Other (i.e., office space, storage, restaurant, dwelling, etc.)
Buoy
Buoy Line - Swimming Area
Closed Heating System
Concession Building
Dock - Fixed - Private (supports driven or support holes dug above elevation 731)
Dock - Fixed and Floating - Private (supports driven or support holes dug above elevation 731)
Dock - Floating
Fence (above elevation 731)
Fish Attractors
Guard Posts
Harbor Limits

NO SIGNIFICANT SEDIMENT DISTURBANCE
(CONTINUED)

Land conveyances above normal pool
Marine Railway (above elevation 731)
Marine Service Station
Minor Grading (above elevation 741)
Mooring Post (driven)
Mooring Post - Private (holes dug above elevation 731)
Osprey Nest Platforms (supports driven)
Paved or sodded drainage ditches
Picnic tables, benches, grills
Play Facilities (above elevation 731)
Power and waterlines to serve water use facilities moored or attached to shoreline
Removal of undesirable growth
Retaining wall (within 2' of the shoreline, footer elevation above elevation 735, and constructed in the dry)
Retaining Wall Faced w/Riprap (within 2' of the shoreline, footer elevation above 735, and constructed in the dry)
Riprap (no site preparation - direct dump)
Roads, including turnarounds, serving water use facilities
Seeding and sodding for lawns
Septic tank disposal fields
Sewage Pumping Station
Ski Jump
Slalom Course
Sign
Terraces, covered patios, and gazebos
Walkways, steps, landings
Water intake - Fixed (private noncommercial with intake port at least 1' above the bottom sediments)

NOTE: Excavated material from support holes deposited at site.

NOTE: Actions within the No significant Sediment Disturbance Category can be processed within the existing review and coordination agreements.

NOTE: Key Reservoir Elevations
Summer pool elevation 741' msl
Winter pool elevation 735' msl
Minimum elevation for sediment disturbance as determined by working group 731' msl

ACTION SCREENING CATEGORIES
FOR THE
WATTS BAR RESERVOIR
CONTAMINATED SEDIMENT AREA

MARGINAL SEDIMENT DISTURBANCE

Boat slips - Fixed - Covered (support holes dug) - Commercial
Boat Slips - Fixed - Open (support holes dug) - Commercial
Boat Slips - Fixed and Floating (support holes dug) - Commercial
Boathouse - Fixed (support holes dug) - Commercial
Breakwater (support holes dug) - Commercial
Bridge - Vehicular
Bridge with Approach Fills
Culvert - Other
Culvert - Roadway
Dock - Fixed (support holes dug) - Commercial
Dock - Fixed and Floating (support holes dug) - Commercial
Dredging/Excavation - Private (above elevation 735 and conducted in the dry)
Fill - Causeway/Roadway
Fill - Other
Marine Railway (below elevation 731)
Monitoring Station
Mooring Posts (holes dug) - Commercial
Mussel Cultural Raft
Retaining Wall (other)
Retaining Wall Faced w/Riprap (other)
Water Intake - Floating
Osprey Nest Platforms (holes dug) (below elevation 731)
Riprap (prepared site)

NOTE: Actions in the Marginal Sediment Disturbance category must be reviewed under the Interagency Agreement Watts Bar Reservoir Permit Coordination

NOTE: Key Reservoir Elevations
Summer pool elevation 741' msl
Winter pool elevation 735' msl
Minimum elevation for sediment disturbance as determined by working group 731' msl

ACTION SCREENING CATEGORIES
FOR THE
WATTS BAR RESERVOIR
CONTAMINATED SEDIMENT AREA

POTENTIAL MAJOR SEDIMENT DISTURBANCE

Barge Terminal - Loading and Unloading Facilities
Barge Terminal - Loading Facilities
Barge Terminal - Mooring Cells
Barge Terminal - Other
Barge Terminal - Unloading Facilities
Dam/Weir - Impounds Water
Dredging/Excavation - Private (below elevation 735)
Dredging/Excavation - Commercial Navigation Channel Maintenance
Levee/Dike - Structure to keep water off of an area
Mooring Cells/Dolphins/Deadmen Anchors - Fleeting Area
Mooring Cells/Dolphins/Deadmen Anchors - Other
Outfall
Submarine Crossing - Cable TV
Submarine Crossing - Other
Submarine Crossing - Petroleum
Submarine Crossing - Sewer
Submarine Crossing - Telephone
Submarine Crossing - Water
Water Intake - Fixed (commercial, industrial, municipal, and agricultural irrigation)

NOTE: Actions in the Potential Major Sediment Category must be reviewed under the Interagency Agreement Watts Bar Reservoir Permit Coordination

NOTE: Key Reservoir Elevations
Summer pool elevation 741' msl
Winter pool elevation 735' msl
Minimum elevation for sediment disturbance as determined by Working Group 731' msl

ATTACHMENT 3

ABBREVIATIONS

DOE	U.S. Department of Energy
EPA	U.S. Environmental Protection Agency
USACE	U.S. Army Corps of Engineers
TVA	U.S. Tennessee Valley Authority
TDHE	Tennessee Department of Health and Environment
TDC	Tennessee Department of Conservation
WG	Working Group (DOE, EPA, USACE, TVA, TDHE)
NSSD	No significant Sediment Disturbance
MSD	Marginal Sediment Disturbance
PMSD	Potential Major Sediment Disturbance