

2. COMPLIANCE SUMMARY

2.1 SUMMARY

In 2018, DOE and/or the responsible DOE contractor (FBP and MCS) held permits for discharge of water to surface streams, air emission permits, and a permit for the storage of hazardous wastes. FBP is responsible for the National Pollutant Discharge Elimination System (NPDES) outfalls and air emission permits that were associated with the gaseous diffusion plant. MCS is responsible for activities associated with the DUF₆ Conversion Facility. Centrus is responsible for compliance activities directly associated with the ACP.

FBP and MCS are responsible for preparing a number of reports for compliance with various applicable environmental regulations. These reports may include all or a subset of the following reports (for MCS): an annual groundwater monitoring report, a biennial hazardous waste report, an annual polychlorinated biphenyl (PCB) document log, an annual summary of radionuclide air emissions and the associated dose to the public from these emissions, annual or biennial reports of specified non-radiological air emissions, a monthly report of NPDES monitoring data, an annual hazardous chemical inventory, and an annual toxic chemical release inventory. Additional information on each of these reports is provided within this chapter.

DOE activities at PORTS are inspected regularly by the federal, state, and local agencies responsible for enforcing environmental regulations at PORTS. FBP received a Notice of Violation from Ohio EPA in 2018 related to the operation of PORTS drinking water system. The Notice of Violation was due to a failure to collect required water samples for microcystins from the PORTS drinking water system during the week of May 6 to May 12, 2018. Microcystins are produced by some types of blue-green algae and can cause stomach upset, rashes, fever, and other symptoms to people who drink or are exposed to water contaminated with microcystins. Samples were collected immediately during the following two weeks in May and microcystins were not detected in the PORTS water supply. Notices of this violation were posted throughout the plant as required by Ohio EPA. FBP has implemented procedures to track required sampling so that samples are not missed. No further actions were required.

FBP received a Notice of Violation in 2019 based on an inspection by the U.S. Environmental Protection Agency (U.S. EPA) conducted on April 17-18, 2018. Three 5-gallon containers of hazardous waste were placed in an area called a “satellite accumulation area” that was not close enough to the area where the waste was generated. Although hazardous waste is allowed to be accumulated in a satellite accumulation area, hazardous waste regulations require that hazardous waste in a satellite accumulation area is near the point of waste generation and under the control of the operator of the process generating the waste. This issue was noted by U.S. EPA during the inspection and immediately corrected by FBP by moving the containers to an acceptable waste storage area. No further actions were required.

2.2 COMPLIANCE INTRODUCTION

DOE is responsible for the D&D Program, Environmental Restoration Program, Waste Management Program, uranium operations, and maintenance of all facilities not leased to Centrus. FBP is responsible for air emission permits and NPDES outfalls associated with the former gaseous diffusion plant operations. MCS is responsible for activities associated with the DUF₆ Conversion Facility.

Centrus is responsible for compliance activities directly associated with the ACP including NPDES outfalls and management of wastes generated by their current operations.

DOE and/or DOE contractors (FBP and MCS) held two NPDES permits for discharge of water to surface streams, numerous air emission permits, and a Resource Conservation and Recovery Act (RCRA) Part B

permit for the storage of hazardous wastes. Appendix B lists the active environmental permits and registrations held by DOE and/or DOE contractors (FBP and MCS) at the end of 2018.

Several federal, state, and local agencies are responsible for enforcing environmental regulations at PORTS. Primary regulatory agencies include Ohio EPA and U.S. EPA. These agencies issue permits, review compliance reports, conduct joint monitoring programs, inspect facilities and operations, and oversee compliance with applicable regulations.

DOE and/or DOE contractors conduct self-assessments to identify environmental issues and consult the regulatory agencies to identify the appropriate actions necessary to achieve and maintain compliance.

2.3 COMPLIANCE STATUS

This section discusses the DOE compliance status at PORTS with respect to environmental laws and regulations, DOE Orders, and Executive Orders.

2.3.1 Environmental Restoration and Waste Management

This section discusses the DOE compliance status at PORTS with Ohio EPA and U.S. EPA regulations pertaining to environmental restoration and waste management.

2.3.1.1 Comprehensive Environmental Response, Compensation, and Liability Act

PORTS is not on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) National Priorities List of sites. However, D&D of PORTS is proceeding in accordance with the D&D DFF&O and CERCLA. The D&D DFF&O describes the regulatory process for D&D of the gaseous diffusion process buildings and associated facilities that are no longer in use. Chapter 3, Section 3.2 of this report, provides additional information about the D&D Program.

Environmental remediation, or the cleanup of soil, groundwater and other environmental media contaminated by PORTS, has been conducted in accordance with the Consent Decree with the State of Ohio, issued on August 29, 1989 and the U.S. EPA Administrative Order by Consent, issued on September 29, 1989 (amended in 1994 and 1997 and terminated on February 13, 2017). Ohio EPA oversees environmental remediation activities at PORTS under the RCRA Corrective Action Program and CERCLA Program. Chapter 3, Section 3.3 of this report, provides additional information on the Environmental Restoration Program.

Section 103 of CERCLA requires notification to the National Response Center if hazardous substances are released to the environment in amounts greater than or equal to the reportable quantity. Reportable quantities are listed in CERCLA and vary depending on the type of hazardous substance released. During 2018, DOE contractors had no reportable quantity releases of hazardous substances subject to Section 103 notification requirements.

2.3.1.2 Emergency Planning and Community Right-To-Know Act

The Emergency Planning and Community Right-To-Know Act of 1986, also referred to as the Superfund Amendments and Reauthorization Act Title III, requires reporting of emergency planning information, hazardous chemical inventories, and releases to the environment. Emergency Planning and Community Right-To-Know Act reports are submitted to federal, state, and local authorities.

For emergency planning purposes, facilities must submit information on chemicals present on site above specified quantities (called the threshold planning quantity) to state and local authorities. When a new chemical is brought on site or increased to exceed the threshold planning quantity, information about the new chemical must be submitted to state and local authorities within three months.

Section 304 of the Emergency Planning and Community Right-To-Know Act requires reporting of off-site reportable quantity releases to state and local authorities. During 2018, FBP and MCS had no off-site reportable quantity releases subject to Section 304 reporting requirements.

The Hazardous Chemical Inventory Report includes the identity, location, storage information, and hazards of the chemicals present on site in amounts above the threshold planning quantities specified by U.S. EPA. This report is submitted annually to state and local authorities. Table 2.1 lists the chemicals reported by the PORTS site, which included DOE contractors or lessees (FBP, PMA, MCS, and Centrus) for 2018:

Table 2.1. Chemicals reported in the Hazardous Chemical Inventory Report for 2018

1,2-propanediol	hydrogen fluoride	sodium chloride
aluminum oxide	lime calcium oxide	sodium fluoride
aluminum oxide hydrate	lubricating oils	sodium hydroxide
argon	methanol	sodium polyacrylate
asbestos	mineral oils	sulfuric acid
carbon dioxide	nitric acid	triuranium octaoxide
citric acid	nitrogen	uranium oxide
diesel fuel #2 (ultralow sulfur)	PCBs	uranium hexafluoride
ethylene glycol	perfluoro-1,3-dimethylcyclohexane	uranium metal
fluorotrichloromethane (CFC-11)	petroleum distillates	uranium tetrafluoride
gasoline	potassium hydroxide	

The Toxic Chemical Release Inventory is sent annually to U.S. EPA and Ohio EPA. This report details releases to the environment of specified chemicals when they are manufactured, processed, or otherwise used by the entire site in amounts that exceed threshold quantities specified by U.S. EPA. For this report, U.S. EPA defines a release to include on-site treatment, off-site disposal, and recycling conducted in accordance with regulations.

For 2018, DOE contractors reported the permitted release and/or off-site treatment of two chemicals:

- hydrogen fluoride: approximately 30 pounds (lbs) released to the air from the DUF₆ Conversion Facility; and
- nitrate compounds: approximately 44,000 lbs released to the Scioto River through permitted NPDES outfalls (from water treatment).

2.3.1.3 Resource Conservation and Recovery Act

RCRA regulates the generation, accumulation, storage, transportation, and disposal of solid and hazardous wastes. “Solid wastes,” as defined by Ohio EPA, can be solids, liquids, sludges, or other materials. Hazardous wastes are a subset of solid wastes, and are designated as hazardous by Ohio EPA because of various chemical properties, including ignitability, corrosivity, reactivity, and toxicity.

Hazardous waste. DOE and FBP hold a permit to store hazardous waste at PORTS. The permit, often called a Part B Permit, was issued to DOE and the responsible DOE contractor in 1995, and renewed by Ohio EPA in 2001 and 2011. The permit governs the storage of hazardous waste and includes requirements for waste identification, inspections of storage areas and emergency equipment, emergency procedures, training requirements, and other information required by Ohio EPA.

Facilities such as PORTS that generate or store hazardous waste are required to submit a biennial report to Ohio EPA (in even-numbered years) that covers waste shipped in the previous odd-numbered year (i.e.,

waste shipped in even-numbered years no longer requires reporting). DOE submitted the report for calendar year 2017 to Ohio EPA in February 2018. This biennial report contains the name and address of each facility that waste was shipped to during the previous calendar year, the name and address of the transporter for each waste shipment, the description and quantity of each waste stream shipped off site, and a description of waste minimization efforts. Chapter 3, Section 3.4, Waste Management Program, provides additional information on wastes from DOE activities at PORTS that were recycled, treated, or disposed in 2018.

RCRA also requires groundwater monitoring at certain hazardous waste management units. As discussed in Chapter 6, groundwater monitoring requirements at PORTS have been integrated into one document, the *Integrated Groundwater Monitoring Plan* (DOE 2017c). Hazardous waste management units monitored in accordance with the *Integrated Groundwater Monitoring Plan* include the X-749 Contaminated Materials Disposal Facility (northern portion), X-231B Southwest Oil Biodegradation Plot (Quadrant I Groundwater Investigative [5-Unit] Area), X-701C Neutralization Pit (Quadrant II Groundwater Investigative [7-Unit] Area), X-701B Former Holding Pond, X-701B retention basins, X-744Y Waste Storage Yard (X-701B area), X-230J7 Holding Pond (X-701B area), X-616 Former Chromium Sludge Surface Impoundments, and X-735 RCRA Landfill (northern portion). Chapter 6 discusses the groundwater monitoring requirements for these units.

A groundwater report that summarizes the results of monitoring completed in accordance with the *Integrated Groundwater Monitoring Plan* is submitted annually to Ohio EPA (DOE 2019). Chapter 6 discusses these monitoring results for 2018.

MCS is regulated as a small quantity hazardous waste generator. Small quantity hazardous waste generators are subject to requirements for generation and accumulation of hazardous waste. These requirements include proper waste identification, use of appropriate containers, availability of emergency equipment, and specified shipment information.

Solid waste disposal facilities. Groundwater monitoring may be required at closed solid waste disposal facilities, such as landfills. Groundwater monitoring requirements for the closed X-734 Landfills, X-735 Industrial Solid Waste Landfill, and X-749A Classified Materials Disposal Facility are included in the *Integrated Groundwater Monitoring Plan* (DOE 2017c). Chapter 6 discusses the groundwater monitoring results for these units in 2018. There are no solid waste landfills currently operating at PORTS.

2.3.1.4 Federal Facility Compliance Act

Waste that is a mixture of RCRA hazardous waste and low-level radioactive waste (LLW) is currently stored at PORTS. RCRA hazardous waste is subject to Land Disposal Restrictions, which with limited exceptions do not allow the storage of hazardous waste for longer than one year. The Federal Facility Compliance Act, enacted by Congress in 1992, allows for the storage of mixed hazardous/LLW for longer than one year because treatment for this type of waste is not readily available. The Act also requires federal facilities to develop and submit site treatment plans for treatment of mixed wastes. On October 4, 1995, Ohio EPA issued a Director's Final Findings and Orders allowing the storage of mixed waste beyond one year and approving the proposed Site Treatment Plan. An annual update to the Site Treatment Plan is required by these Director's Final Findings and Orders. The annual update to the Site Treatment Plan for fiscal year 2018 was submitted to Ohio EPA in December 2018.

2.3.1.5 Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) regulates the use, storage, and disposal of PCBs, which are most commonly found in older electrical power system components, such as transformers and capacitors. The PCB transformers and capacitors that were present in the gaseous diffusion process buildings have

been removed from service. Three pole-mounted PCB transformers were in service within the PORTS facility at the end of 2018.

An annual document log is prepared to meet TSCA regulatory requirements. The document log provides an inventory of PCB items in use, in storage as waste, and shipping/disposal information for PCB items disposed in 2018. The *2018 PCB Document Log for the Portsmouth Gaseous Diffusion Plant* was prepared in June 2019. Approximately 9.4 tons of PCB waste (gross weight) was generated in 2018. Approximately 18.3 tons of PCB waste (gross weight) was shipped for disposal in 2018. Waste contaminated with PCBs was generated during 2018 through D&D activities in the process buildings and other areas.

A Uranium Enrichment TSCA Compliance Agreement between DOE and U.S. EPA, effective in 1992 and modified in 2017, addresses PCB management issues at PORTS including:

- the use, management, storage, and disposal of PCBs in ventilation duct gaskets and its associated collection and containment system;
- a negotiated schedule for clean-up, removal, and management of PCB wastes and contaminated items; and
- on-going air monitoring and management of PCB spill clean-ups.

Annual reports of progress made toward milestones specified in the TSCA Compliance Agreement are submitted to U.S. EPA. DOE was in compliance with the requirements and milestones of this TSCA Compliance Agreement during 2018.

The DUF₆ Conversion Facility stores and processes cylinders containing DUF₆ that may have paint containing greater than 50 parts per million (ppm) of PCBs present on the outside of the cylinders. The cylinders are stored in the X-745C, X-745E and X-745G Cylinder Storage Yards. The cylinders are stored in accordance with an agreement with U.S. EPA that includes monitoring of PCBs in surface water and sediment in drainage basins downstream from the cylinder storage yards. Chapter 5, Sections 5.4.2 and 5.5.2 provide the results of this surface water and sediment sampling, respectively.

2.3.1.6 Federal Insecticide, Fungicide, and Rodenticide Act

No restricted-use pesticides were used by DOE contractors in 2018.

2.3.2 Radiation Protection

This section discusses the DOE compliance status with DOE Orders pertaining to radiation protection and management of radioactive waste.

2.3.2.1 DOE Order 458.1, *Radiation Protection of the Public and the Environment*

The purpose of DOE Order 458.1 is to establish requirements to protect the public and the environment against undue risk from radiation associated with radiological activities conducted under the control of the DOE pursuant to the Atomic Energy Act of 1954, as amended. The objectives of DOE Order 458.1 are:

- to conduct DOE radiological activities so that exposure to members of the public is maintained within the dose limits established in the Order and are as low as reasonably achievable, and
- ensure that DOE sites have the capabilities, consistent with the types of radiological activities conducted, to monitor routine and non-routine radiological releases and assess the radiation dose to members of the public.

DOE Order 458.1 requires that off-site radiation doses do not exceed 100 millirem (mrem)/year above background for all exposure pathways. Chapter 4 provides the dose calculations or monitoring results that demonstrate compliance with this DOE Order.

2.3.2.2 DOE Order 435.1, *Radioactive Waste Management*

The objective of DOE Order 435.1 is to ensure that all DOE radioactive waste is managed in a manner that is protective of worker and public health and safety, and the environment. DOE Order 435.1 applies to all high-level waste, transuranic waste, and LLW, including the radioactive component of mixed waste for which DOE is responsible. Only LLW and mixed LLW are found at PORTS. Chapter 3, Section 3.4 provides additional information about the DOE Waste Management Program at PORTS.

An on-site waste disposal facility (OSWDF) has been selected per the record of decision for waste disposition for disposal of waste generated by D&D that meets criteria for on-site disposal (see Chapter 3, Section 3.2.2). The DOE Low-level Waste Disposal Facility Review Group (LFRG) has completed an independent review of the design and planned operation of the OSWDF as presented in a Performance Assessment and Composite Analysis and determined compliance with performance objectives in DOE Order 435.1. PORTS received a Disposal Authorization Statement (DAS) for design and construction of the OSWDF from the DOE Office of Site Restoration in 2015. This DAS requires completion of the construction, along with a comparison of the as-built facility to that reviewed, and satisfaction of the conditions in the DAS, as verified by the LFRG, prior to issuance of the DAS for Operations.

2.3.3 Air Quality and Protection

This section discusses the DOE compliance status with U.S. EPA and Ohio EPA regulations pertaining to air emissions (both radionuclides and non-radiological pollutants) and stratospheric ozone protection. Chapter 4, Figure 4.2 is a map of the PORTS ambient air monitoring locations.

2.3.3.1 Clean Air Act

FBP is responsible for numerous air emission sources associated with the former gaseous diffusion production facilities and support facilities. These sources, which included the boilers at the X-600 Steam Plant Complex (prior to demolition in 2013), emitted more than 100 tons per year of non-radiological air pollutants specified by Ohio EPA, which caused DOE to become a major source of air pollutants as defined in Title 40 of the *Code of Federal Regulations* (CFR) Part 70. Ohio EPA issued the final Title V Air Permit to FBP in 2014. The X-600 Steam Plant Complex has been demolished and is no longer operating.

FBP is required to submit quarterly Title V Deviation Reports that document any deviations from requirements of the Title V permit. These quarterly reports are summarized in an annual Title V Compliance Certification. In 2018, FBP did not have any deviations from the Title V Permit requirements.

Ohio EPA requires an annual report called the Ohio EPA Fee Emissions Report to report emissions of selected non-radiological air pollutants. U.S. EPA requires an annual report of greenhouse gas emissions. Chapter 5, Section 5.3.1 provides more information about these reports and the reported emissions for FBP in 2018.

In 2018, MCS was responsible for four permitted sources associated with the DUF₆ Conversion Facility. The Annual Permit Evaluation Report for the MCS air emission sources did not report any deviations from applicable emission limits or control requirements. Chapter 5, Section 5.3.1, provides more information about air emissions from MCS in 2018.

Appendix B lists the FBP and MCS air emission sources at PORTS. Radiological air emissions from the DOE air emission sources are discussed in Chapter 4 and non-radiological air emissions are discussed in Chapter 5.

2.3.3.2 Clean Air Act, Title VI, Stratospheric Ozone Protection

DOE has instituted a record-keeping system consisting of forms and labels to comply with the Title VI record-keeping and labeling requirements. These requirements affect all areas that use ozone-depleting substances. The service record and retrofit or retirement plan forms apply to units with a capacity of more than 50 lbs. The refrigeration equipment disposal log and associated appliance disposal label are used by all units regardless of capacity. The technicians who service equipment under DOE control are trained in accordance with U.S. EPA requirements.

An ozone-depleting substance, specifically dichlorotetrafluoroethane (CFC-114), was used as a coolant in the gaseous diffusion cascade system formerly used to produce enriched uranium. The CFC-114 was removed from the cascade system in 2012 and was stored in tanks within the X-333 Process Building. The CFC-114 stored in these tanks was shipped off site in 2017 and 2018.

2.3.3.3 National Emission Standards for Hazardous Air Pollutants

The National Emission Standards for Hazardous Air Pollutants (NESHAP), Subpart H, National Emission Standards for Emissions of Radionuclides Other Than Radon from DOE Facilities (40 CFR Part 61, Subpart H) requires DOE to submit an annual report for radiological emissions from DOE air emission sources.

In 2019, it was discovered that an error was made during preparation of the annual NESHAP report in the calculation of dose at the ambient air monitoring stations. The error involved the misapplication of the conversion factor converting concentration to dose. In 2014 and 2016, an additional error was found in compiling radiological emissions from the FBP point sources. The mistakes were also reported in the respective Annual Site Environmental Reports in the summaries of NESHAP information. Errata pages were prepared for the respective Annual Site Environmental Reports and Data Reports to correct the errors. The errata pages are available with the respective original report on the DOE PPPO web site (energy.gov/pppo).

DOE contractors FBP and MCS were both responsible for radiological air emission sources. Chapter 4, Section 4.3.3, provides the radiological dose calculations from these emissions.

FBP sources. In 2018, FBP was responsible for numerous air emission sources including 1) continuously monitored vents in the X-330 and X-333 Process Buildings and the X-344A Uranium Hexafluoride Sampling Building; 2) room ventilation exhausts and/or pressure relief vents associated with the X-710 Technical Services Building, X-705 Decontamination Facility, the X-326 L-Cage Glove Box, the XT-847 Glove Box; and 3) the X-622, X-623, X-624, and X-627 Groundwater Treatment Facilities.

Radiological emissions from the vents in the X-330 and X-333 Process Buildings and the X-344A Uranium Hexafluoride Sampling Building were measured by continuous monitoring, if in use. Emissions from the room ventilation exhausts and vents (if in use) were estimated based on operating data and U.S. EPA emission factors. Emissions from the groundwater treatment facilities were estimated based on quarterly influent/effluent sampling and quarterly throughput. Total radiological airborne emissions from FBP sources in 2018 were 0.0785 curie (Ci) (7.85E-02 Ci).

MCS sources. In 2018, MCS was responsible for emissions from the DUF₆ Conversion Facility. Emissions from the DUF₆ Conversion Facility were based on continuous monitoring of the conversion

building stack. Total radiological airborne emissions from the DUF₆ Conversion Facility in 2018 were 0.0000457 Ci (4.57E-05 Ci).

2.3.4 Water Quality and Protection

This section discusses the DOE compliance status with U.S. EPA and Ohio EPA regulations pertaining to water quality and protection.

2.3.4.1 Clean Water Act

DOE contractors FBP and MCS held NPDES permits during 2018 that allowed discharges of water to surface streams. FBP was responsible for 18 monitoring locations identified in the FBP NPDES permit. Nine outfalls discharge directly to surface water, six outfalls discharge to another outfall before leaving the site, and three other locations that are not outfalls were also monitored. Chapter 4, Section 4.3.5.1, and Chapter 5, Section 5.4.1.1, provide additional information on the FBP NPDES outfalls. Chapter 4, Figure 4.3 is a map of the PORTS NPDES outfalls.

The MCS NPDES permit allows the discharge of process wastewaters from the DUF₆ Conversion Facility. The MCS NPDES permit provides monitoring requirements for MCS Outfall 001 that are only effective when process wastewater is being discharged through the outfall. The permit also includes requirements for MCS Outfall 602, which are effective when process wastewater is being discharged to the sanitary sewer system that flows to the X-6619 Sewage Treatment Plant (FBP NPDES Outfall 003). MCS submitted a permit renewal application to Ohio EPA in November 2018 for the current NPDES permit that expires in May 2019. No process wastewater was discharged through MCS Outfall 001 in 2018. Chapter 4, Section 4.3.5, and Chapter 5, Section 5.4.1.2, provide additional information on the MCS NPDES outfalls.

Data required to demonstrate compliance with the NPDES permits are submitted to Ohio EPA in monthly discharge monitoring reports (see Chapter 5, Section 5.4.1.1). Nine permit limitations associated with the FBP NPDES permit were exceeded during 2018 (see Chapter 5, Section 5.4.1.1). The overall FBP NPDES compliance rate for 2018 was 99%. There were no exceedances of MCS permit limitations in 2018; therefore, the overall MCS NPDES compliance rate for 2018 was 100%.

Most of the FBP NPDES outfalls are also monitored for radionuclides (see Chapter 4, Section 4.3.5). The MCS outfalls are not monitored for radionuclides.

Stormwater runoff, water from precipitation that flows over land and is not absorbed into the ground, is regulated under the Clean Water Act because it can accumulate debris, chemicals, or other pollutants that affect water quality. Stormwater Pollution Prevention Plans are prepared for the site industrial activities under the FBP NPDES permit. Construction activities are covered by the NPDES Construction Stormwater General Permit. The Stormwater Pollution Prevention Plans include descriptions of the activities and the controls to be used to minimize impacts to stormwater runoff.

Stormwater management and drainage design will be part of site redevelopment after D&D and remediation are completed.

2.3.4.2 Safe Drinking Water Act

In 2018, FBP was responsible for operation of the PORTS drinking water system. Drinking water systems are regulated by the Safe Drinking Water Act, which sets requirements for water testing, treatment, and disinfection, as well as distribution system maintenance and operator training. The Safe Drinking Water Act also sets health-based standards for naturally-occurring and man-made contaminants that may be found in drinking water.

PORTS obtains its drinking water from two water supply well fields west of PORTS in the Scioto River Valley buried aquifer near the Scioto River. Ohio EPA provides the parameters and schedule for sampling the drinking water for various parameters, for example: nitrate, lead, disinfection byproducts, total coliform, and chlorine. Sampling results are submitted to Ohio EPA in a monthly report. Section 2.4.2 provides information about a Notice of Violation received by FBP related to operation of the PORTS drinking water system.

2.3.5 Other Environmental Statutes

This section discusses the DOE compliance status with other applicable environmental statutes and regulations including underground storage tank regulations and the Endangered Species Act.

2.3.5.1 Underground storage tank regulations

The Underground Storage Tank Program is managed in accordance with the Ohio State Fire Marshal's Bureau of Underground Storage Tank Regulations. Underground storage tanks in the former gaseous diffusion plant buildings and associated facilities are owned by DOE. In January 2018, a 550 gallon diesel tank was removed from the X-1020 Emergency Operations Center. At the end of 2018, FBP was responsible for five tanks and Centrus was responsible for one tank. These tanks include five diesel fuel tanks ranging in size from 2500 to 20,000 gallons and a 20,000 gallon gasoline tank. The registrations for these tanks are renewed annually.

2.3.5.2 National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires evaluation of the environmental impacts of activities at federal facilities and of activities funded with federal dollars.

DOE has a formal program dedicated to compliance pursuant to DOE Order 451.1B, *National Environmental Policy Act Compliance Program*. Restoration actions, waste management, enrichment facilities maintenance, and other activities are evaluated to determine the appropriate level of evaluation and documentation. No environmental assessments or environmental impact statements were completed during 2018.

Routine operation and maintenance activities are also evaluated to assess potential environmental impacts. Activities not regulated under CERCLA may be covered under a categorical exclusion or other NEPA determination as defined in the regulations. These activities are considered routine and have no significant individual or cumulative environmental impacts. DOE has implemented a policy to post online specific classes of categorical exclusions as found in 10 CFR Part 1021, Appendix B to Subpart D. Categorical exclusions for PORTS are posted on the DOE Portsmouth/Paducah Project Office website (energy.gov/pppo).

2.3.5.3 Endangered Species Act

The Endangered Species Act of 1973, as amended, provides for the designation and protection of endangered and threatened wildlife and plants, and the habitat on which such species depend. When appropriate, formal consultations are made with the U.S. Fish and Wildlife Service and the Ohio Department of Natural Resources.

A study was conducted in 2013 to identify the potential presence of the federally-endangered Indiana bat (*Myotis sodalis*) and the northern long-eared bat (*Myotis septentrionalis*), in the northeastern area of PORTS that is the planned location for the OSWDF (see Chapter 3, Section 3.2.2). The study did not identify the presence of the federally-endangered Indiana bat in the study area. Both foraging and roosting activities were identified for the northern long-eared bat, which is listed as a threatened species. In 2015, the U.S. Fish and Wildlife Service issued a Biological Opinion that the OSWDF is not likely to

jeopardize the continued existence of the northern long-eared bat. Measures will be taken during construction and operation of the OSWDF to minimize potential impacts to bats.

2.3.5.4 National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) is the primary law governing the protection of historic properties. NHPA reviews consider both architectural and archeological properties. Coordination and/or consultation with the State Historic Preservation Office and other stakeholders are made as a part of the reviews. The cultural resources of three broad time periods of occupation of the PORTS property have been assessed: the prehistoric era (occupation by Native Americans until approximately 1650), the historic era (occupation by Native Americans and early settlers from 1650 through 1952) and the DOE era (from 1952 to the present).

Fifty-four prehistoric archaeological sites have been identified on PORTS property. Each of these sites was investigated, and four of the sites included sufficient artifacts such as tools, earth ovens, and pottery to be determined eligible for inclusion on the National Register of Historic Places. One of the sites eligible for inclusion on the National Register of Historic Places was located in the northeast corner of PORTS in the support area for the OSWDF. DOE worked with the State Historic Preservation Office and Tribal Nations to develop a data recovery approach for this area so that artifacts and other information could be recovered from the area (approximately 1 acre) prior to construction activities. Field work, including hand excavation of selected areas, was completed in 2015. No significant artifacts were found. A technical report documenting the data recovery processes and results was submitted to the State Historic Preservation Office in July 2017. A summary-level report intended for a general audience was submitted to the State Historic Preservation Office in 2019.

Sixty-one historic era sites have been identified on PORTS property. Most of these sites were farmstead/residential sites, and investigations of the farmstead/residential sites determined that the sites were not eligible for inclusion on the National Register of Historic Places. Two sites, the Holt Cemetery and Mount Gilead Church and Cemetery are treated as if they are eligible for the National Register.

DOE has worked with the State Historic Preservation Office, Advisory Council on Historic Preservation, Tribal Nations, and individual members of the public interested in historic preservation to determine how best to document the DOE era of site history, that is, the history associated with the buildings and other areas that are part of D&D. The NHPA review for site D&D was performed as a part of the CERCLA process. The PORTS Virtual Museum (portsvirtualmuseum.org) preserves photos, video, oral histories, and other information associated with operation, remediation, and D&D of PORTS. The records of decision for process buildings and waste disposition (see Chapter 3, Section 3.2) list the activities selected to preserve the history associated with the PORTS site.

The following activities selected to preserve the history of the PORTS site have been completed:

- a Comprehensive Summary Report summarizing all NHPA-related investigations (FBP 2014);
- a Historic Context Report that documents the history of operations and facilities at PORTS from 1952 through the end of the Cold War (DOE 2017e); and
- expansion of the PORTS virtual museum to include information on prehistoric activities.

Activities selected to preserve the history of the PORTS site and document ongoing activities are:

- collection and evaluation of items recovered from PORTS facilities for potential future display;
- public outreach to local school districts and others; and

- panoramic and aerial photographs taken at regular intervals.

2.3.5.5 Archaeological and Historic Preservation Act and Archaeological Resources Protection Act

The Archaeological and Historic Preservation Act and the Archaeological Resources Protection Act require the Secretary of the Department of Interior to report to Congress on various federal archaeological activities. The Archaeological Resources Protection Act requires federal land managers to provide archaeology program information to the Secretary of the Interior for this report; information for PORTS is included in the overall DOE headquarters report.

2.3.6 DOE Order 436.1 *Departmental Sustainability*

DOE Order 436.1, *Departmental Sustainability*, requires development and implementation of an Environmental Management System (EMS) in order to protect air, water, land, and other natural or cultural resources potentially impacted by DOE operations.

FBP serves as the coordinating contractor for EMS implementation among the DOE site contractors (FBP, PMA, and MCS). A report of progress in achieving specified EMS goals is submitted annually to DOE Headquarters. These EMS goal areas, specified in Executive Order 13963 (see Section 2.3.7.2), include objectives related to the following:

- reduction of greenhouse gas emissions,
- reduction of energy consumption and intensity in site buildings,
- increased use of clean or renewable energy,
- enhanced water use efficiency and management,
- fleet management to reduce petroleum use and/or increase alternative fuel/vehicle use,
- sustainable acquisition, and
- pollution prevention and waste reduction.

In 2018, DOE PORTS (FBP, PMA, and MCS) reported that at least 80% of the EMS goal areas for fiscal year 2018 were addressed in the EMS. Some of the EMS goal areas are not applicable to PORTS because the facility is not operating and is preparing for D&D.

Chapter 3, Section 3.5, provides information about the DOE Environmental Sustainability Program at PORTS.

2.3.7 Executive Orders

Executive Orders are issued by the President to various federal agencies, including DOE. This section discusses the DOE compliance status at PORTS with Executive Orders pertaining to the environment.

2.3.7.1 Executive Order 11988, *Floodplain Management*, and Executive Order 11990, *Protection of Wetlands*

Title 10 of the CFR Part 1022 establishes policy and procedures for compliance with Executive Order 11988, *Floodplain Management*, and Executive Order 11990, *Protection of Wetlands*.

A site-wide wetland survey report was completed and submitted to the Corps of Engineers in 1996. The 1996 survey identified 41 jurisdictional wetlands and four non-jurisdictional wetlands totaling 34.36 acres at PORTS.

A wetland and stream assessment was completed in 2013 for the northeast area of PORTS where the OSWDF will be constructed. DOE is developing mitigation strategies for wetlands and streams that will be impacted by the construction of the OSWDF in accordance with CERCLA requirements.

2.3.7.2 Executive Order 13693, *Planning for Federal Sustainability in the Next Decade*

Executive Order 13693 establishes a framework to maintain federal leadership in sustainability and greenhouse gas emission reductions. Existing activities that are part of compliance with DOE Order 436.1 (see Section 2.3.6) and the DOE Environmental Sustainability Program at PORTS (see Chapter 3, Section 3.5) support this executive order. These existing activities include improving energy and water use efficiency; encouraging site-wide recycling and material reuse; and increasing the use of alternative fuel and alternative fuel vehicles.

Green and sustainable remediation is the abatement, cleanup, or use of methods to contain, remove, or destroy contaminants while seeking to minimize the environmental, economic, and social costs of the remediation. FBP is incorporating green and sustainable remediation into the D&D activities discussed in Chapter 3. Actions being taken to support green remediation include efficient movement of materials to reduce fuel usage, efforts to minimize water usage and control runoff, and recycling/reuse of materials.

2.4 OTHER MAJOR ENVIRONMENTAL ISSUES AND ACTIONS

This section summarizes environmental inspections of DOE activities at PORTS during 2018 and the results of these inspections.

2.4.1 Environmental Program Inspections

During 2018, eight inspections of DOE activities at PORTS were conducted by federal, state, or local agencies. Table 2.2 lists these inspections.

Table 2.2. Environmental inspections of DOE activities at PORTS for 2018

Date	DOE contractor	Agency	Type	Notices of Violation
January 24-25	FBP	Ohio EPA	Closed solid waste units, interim remedial measures, and groundwater treatment facilities	None
April 17-18	FBP	U.S. EPA	RCRA compliance	See Section 2.4.2
July 16-17 & July 23	FBP	Ohio EPA	RCRA compliance	None
July 17	FBP	Ohio EPA/Pike County Health District	Closed solid waste landfills (X-735, X-749, X-749A)	None
August 7 & 22	FBP	Ohio EPA	NPDES compliance	None
August 23	FBP	Ohio EPA	Closed solid waste units (X-611A, PK Landfill)	None
September 11	FBP	Ohio EPA	Closed solid waste units (X-734, X-735, X-611B, X-616)	None
September 24	FBP	Ohio EPA	Closed solid waste units (X-749, X-616, X-231A&B, X-749A)	None

2.4.2 Notices of Violation

FBP received a Notice of Violation from Ohio EPA in 2018 related to the operation of PORTS drinking water system. The Notice of Violation was due to a failure to collect required water samples for

microcystins from the PORTS drinking water system during the week of May 6 to May 12, 2018. Microcystins are produced by some types of blue-green algae and can cause stomach upset, rashes, fever, and other symptoms to people who drink or are exposed to water contaminated with microcystins. Samples were collected immediately during the following two weeks in May and microcystins were not detected in the PORTS water supply. Notices of this violation were posted throughout the plant as required by Ohio EPA. FBP has implemented procedures to track required sampling so that samples are not missed. No further actions were required.

FBP received a Notice of Violation in 2019 based on an inspection by U.S. EPA conducted on April 17-18, 2018. Three 5-gallon containers of hazardous waste were placed in an area called a “satellite accumulation area” that was not close enough to the area where the waste was generated. Although hazardous waste is allowed to be accumulated in a satellite accumulation area, hazardous waste regulations require that hazardous waste in a “satellite accumulation area” is near the point of waste generation and under the control of the operator of the process generating the waste. This issue was noted by U.S. EPA during the inspection and immediately corrected by FBP by moving the containers to an acceptable waste storage area. No further actions were required.

2.5 UNPLANNED RELEASES

No unplanned releases from DOE activities at PORTS occurred in 2018.

2.6 SUMMARY OF PERMITS

Appendix B lists the permits held by DOE and/or DOE contractors in 2018.