



Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

REISSUE
July 2, 2024

Mr. Jason L. Casper
President & General Manager
CH2M HILL BWXT West Valley, LLC
West Valley Demonstration Project
10282 Rock Springs Rd
West Valley, NY 14171-9799

ATTENTION: E. A. Lowes, Regulatory Strategy Manager, AC-RS

SUBJECT: National Environmental Policy Act (NEPA), Documentation and Transmittal of Environmental Checklist, WVDP-2024-01, "Lakes Road Enhancement for Lake 1 Spillway Remediation"

REFERENCES: 1) WV-986, Environmental Review Program, Revision 21, February 28, 2023
2) WVDP-258-01, Policy on the National Environmental Policy Act, Revision 3, February 27, 2023

Dear Mr. Casper:

I have reviewed the enclosed environmental checklist and agree that the actions described therein are categorically excluded per Title 10, Code of Federal Regulations, Part 1021, as amended, Subpart D, Appendix B, B1.3, *Routine Maintenance*, as detailed in the attachment to the environmental checklist. Enclosed please find a signed environmental checklist form to that effect.

The contents of this correspondence are not intended to impact or modify contract scope and/or cost. If you have any questions, please contact me at Extension 4007.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey M. D'Agostino", is written over a horizontal line.

Jeffrey M. D'Agostino
NEPA Compliance Officer
West Valley Demonstration Project

Enclosure: Signed Environmental Checklist

cc: See Page 2

JD:390085 – DOE 20.2, item 050

Mr. Jason L. Casper

- 2 -

July 2, 2024

cc: A. V. Carr, CHBWV, AC-RS, w/enc.
R. E. Steiner, CHBWV, AC-RS, w/enc.
M. C. Bell, DOE-EMCBC, Office of the Director, w/enc.
A. W. Deckard, DOE-EMCBC, Office of the Director, w/enc.
S. M. Bousquet, DOE-WVDP, AC-DOE, w/enc.
B. C. Bower, DOE-WVDP, AC-DOE, w/enc.
A. Lechanski, DOE-WVDP, AC-DOE, w/enc.

JD:390085 – DOE 20.2, item 050

**Department of Energy
West Valley Demonstration Project (DOE-WVDP)**

ENVIRONMENTAL CHECKLIST

| | |
|---|---|
| Project/Activity Title: Lakes Road Enhancements for Lake 1 Spillway Remediation | NEPA ID Number: WVDP-2024-01 Rev. #: 0 Date: May 29, 2024 |
| Contractor Project Manager: Linda Michalczak | Phone Number: (716) 942-4907 |
| Contractor NEPA Coordinator: Anna Carr | Phone Number: (716) 942-4680 |
| DOE-WVDP NEPA Document Manager: Jeff D'Agostino | Phone Number: (716) 942-4007 |

A. BRIEF PROJECT/ACTIVITY DESCRIPTION: Attach a detailed description or statement of work.

B. SOURCES OF IMPACT: Would the action involve, generate, or result in changes to any of the following:

| | YES | NO | | YES | NO |
|----------------------------|-----|----|--|-----|----|
| 1. Air Emissions | X | | 12. Water Use/Diversion | | X |
| 2. Liquid Effluents | | X | 13. Water Treatment | | X |
| 3. Solid Waste | | X | 14. Water Course Modification | X | |
| 4. Radioactive Waste/Soil | | X | 15. Radiation/Toxic Chemical Exposures | | X |
| 5. Hazardous Waste | | X | 16. Pesticide/Herbicide Use | | X |
| 6. Mixed Waste | | X | 17. High Energy Source/Explosives | | X |
| 7. Chemical Storage/Use | | X | 18. Transportation | X | |
| 8. Petroleum Storage/Use | X | | 19. Noise Level | | X |
| 9. Asbestos | | X | 20. Workforce Adjustment | | X |
| 10. Utilities | | X | 21. Other | | |
| 11. Clearing or Excavation | X | | | | |

In an attachment, qualify and explain each question that you have specifically answered "YES."

C. CATEGORY EVALUATION CRITERIA: Would the proposed action:

| | YES | NO |
|---|-----|----|
| 1. Take place in an area of previous or ongoing disturbance? | X | |
| 2. Create hazardous, radioactive, or mixed waste for which no disposal is available? | | X |
| 3. Impact a RCRA-regulated unit or facility? | | X |
| 4. Force a low income or ethnic minority population to shoulder a disproportionate share of the negative environmental impacts of pollution or environmental hazards because of a lack of political or economic strength? | | X |
| 5. Involve air emissions and be located in an air pollutant non-attainment or maintenance area for any criteria pollutants? | | X |
| 6. Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, including DOE and/or Executive Orders (i.e., require any federal, state, or local permits, approvals, etc.)? | | X |
| 7. Disturb hazardous substances, pollutants, or contaminants that pre-exist in the environment such that there would be uncontrolled or unpermitted releases? | | X |
| 8. Require siting, construction, or major expansion of a waste storage, disposal recovery, or treatment facilities, but may include such categorically-excluded facilities? | | X |
| 9. Adversely affect environmentally sensitive resources including, but not limited to: structures of archeological, historic or architectural significance; threatened or endangered species or their habitat; floodplains or wetlands; wildlife refuges, agricultural lands or vital water resources (e.g., sole-source aquifers); involve genetically engineered organisms, synthetic biology, governmentally noxious weeds, or invasive species (with certain exceptions)? | | X |
| 10. Involve extraordinary circumstances? As specified at 10 CFR § 1021.410(b)(2), extraordinary circumstances are unique situations presented by specific proposed actions, such as scientific controversy about the environmental effects of the action, uncertain effects or effects involving unique or unknown risks, or unresolved conflicts concerning alternate uses of available resources within the meaning of Section 102(2)(E) of NEPA [42 U.S.C. 4332(2)]. | | X |
| 11. Be "connected" to other actions with potentially significant impacts, related to other proposed actions with cumulatively significant impacts, and precluded by 40 CFR § 1506.1 or 10 CFR § 1021.211? | | X |

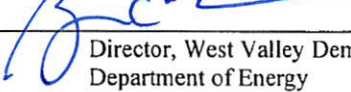
In an attachment, qualify and explain each question that you have specifically answered "YES."

Department of Energy
West Valley Demonstration Project (DOE-WVDP)
ENVIRONMENTAL CHECKLIST

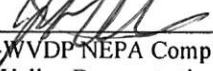
D. RECOMMENDATION AND DETERMINATION:

DOE-WVDP Director's Recommendation: I find and recommend that this proposed action meets the criteria specified in 10 CFR Part 1021, Subpart D, and/or DOE Policy and Guidance for the following:

- ☒ Categorical Exclusions (Appendix B, Class of Action B1.3, Routine Maintenance and B1.13, Pathways, short access roads and rail lines)
☐ Actions Within the Scope of Existing NEPA Documentation NEPA Document ID Number _____)
☐ Ongoing Operations (Standard Operating Procedure OH-6.1.01, Rev. 1, Section 5.2)

Signature:  Date 07-02-2024
Director, West Valley Demonstration Project (WVDP),
Department of Energy

DOE-WVDP NEPA Compliance Officer's Determination: Based on my review of the attached information concerning this proposed action, as the WVDP NEPA Compliance Officer (DOE Order 451.1B, Section 5.d.), I have determined that the proposed action fits within the specified class of actions, that the other regulatory requirements identified in Section C are met, and that this proposed action proceed without further NEPA review.

Signature:  Date 2 July 24
DOE-WVDP NEPA Compliance Officer,
West Valley Demonstration Project

OR

- ☐ Environmental Assessments (Appendix C, Class of Action _____; or Action not listed in Subpart D)
☐ Environmental Impact Statements (Appendix D, Class of Action _____)
☐ Interim Actions (40 CFR Part 1506.1 and 10 CFR Part 1021.211)
☐ Integrated Documentation for CERCLA/RCRA Actions
☐ Variances (Emergency Action, 40 CFR Part 1506.11 and 10 CFR Part 1021.343)

DOE-WVDP NEPA Compliance Officer's Concurrence: I concur with the recommendation that this proposed action fits within the specified class of actions.

Signature: _____ Date _____
DOE-WVDP NEPA Compliance Officer,
West Valley Demonstration Project

DOE-WVDP Manager's Determination: Based on my review of the attached information concerning this proposed action, as the Director of the West Valley Demonstration Project (DOE Order 451.1B, Section 5.a.), I have determined that the level of documentation recommended for the proposed action is appropriate.

Signature: _____ Date _____
Director, West Valley Demonstration Project (WVDP),
Department of Energy

Attachment A

Lakes Road comprises of an approximately 1.25-mile, unimproved one-lane gravel road that extends from Rock Springs Road (County Road 85) to the West Valley Demonstration Project (WVDP) Dam System. The proposed roadway enhancements will be made in the area adjacent to the north of Lakes 1 and 2, and primarily focus on widening the road base in sections where the existing road has poor drainage and is prone to rutting (specifically between Lakes 1 and 2). For this work, approximately 450 linear feet along the road (or 0.03 acres of a linear ditch located on the north side of Lakes Road) will be filled in, and a swale constructed to the east of its existing location, to convey stormwater. As the ditch is a federally jurisdictional wetland, correspondence with the U.S. Army Corps of Engineers (USACE) was necessary; however, as the impact will be less than a tenth of an acre, the USACE confirmed that permitting and preconstruction notification for this work is not required.

Additional scope for the replacement of an existing steel culvert/drainage pipe that lies beneath a portion of School House Road, located to the east of Rock Springs Road is also necessary. As the culvert is associated with a wetland that is regulated under the Freshwater Wetlands Act of the New York State Department of Environmental Conservation, a 401 Water Quality Certification is necessary. This culvert connects New York State Department of Environmental Conservation regulated wetlands, referred to as Wetland "W14" to the north of School House Road, and Wetland "W18" to the south. Over time, this culvert has deteriorated to the point of failure, as it no longer effectively conveys surface waters and poses a safety risk to personnel and vehicular traffic. In anticipation of the upcoming and proposed enhancements of the Lake 1 Spillway and associated roadway work, it is necessary for this culvert to be replaced. The existing steel pipe will be removed and a 30+/- linear foot, dual wall drainage pipe (with a 24-inch diameter) will be installed in its place, with the addition of flared end sections, approved geotextile fabric, riprap, and crushed stone, as specified in the *Replacement of School House Road Culvert Plan and Details (Sketch Number 913-S-0350)*. This additional scope remains within the general routine maintenance categorical exclusion, provided via 10 CFR Part 1021, Subpart D, Appendix B, B1.3, "Routine Maintenance," and as covered under "culvert repairs" of the WVDP-specific "Site-Wide Routine Maintenance Activities" Categorical Exclusion (CX-021822). Currently, no other environmental regulatory permits (Clean Water Act or State Pollutant Discharge Elimination System) are required, based on the scope of activities discussed herein.