



Supplemental Environmental Projects

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Environment & Sustainability Division Director

Idaho Cleanup Project

June 12, 2024



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What is a SEP?

Supplemental Environmental Projects (SEPs): Environmentally beneficial projects that are not otherwise (legally) required of DOE but may be completed as part of the settlement of an environmental enforcement action. SEPs must fall into one of four categories: pollution prevention, pollution reduction, public awareness, and environmental enhancement. They are in addition to actions required to become compliant and once approved are incorporated into the enforceable agreement

SEP Purpose/Benefits & Policy:

- DEQ Policy Statement PS20-13 “Encourages the use of SEPs as a way of furthering the objectives of the Environmental Protection and Health Act and the Hazardous Waste Management Act while deterring noncompliance with the provisions of those statutes...”

SEPs are approved by DEQ to settle all or part of the assessed penalty



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DEQ SEP Policy Requirements

SEP Key Characteristics and Categories

- Characteristics: “Environmentally beneficial,” “in settlement of an enforcement action,” and “not otherwise legally required to perform”
- Categories: pollution prevention, pollution reduction, public awareness, and general enhancement of the quality of the environment
- Substantive and Geographic Nexus: preferred SEPs provide environmental benefits that relate to the specific violations and benefit the general geographic area where the violation occurred. Example: hazardous waste violations at the INL Site – SEPs located around eastern or central Idaho and benefit groundwater/surface water quality and/or improved waste management or restoration
- Generally Not Acceptable: general research or environmental contributions (no identified scope), projects for profit, projects with external financing or financial assistance for same scope (i.e. double dipping)



Why do SEPs?

Enforcement Action:

The Department of Energy (DOE) and the Idaho Dept. of Environmental Quality (DEQ) signed a consent order in March 2015 containing milestones for treatment of tank farm wastes that includes stipulated penalties if any milestone is missed. The current penalty is \$6000/day until the milestone is met. (Fifth Modification to the Notice of Noncompliance-Consent Order)

Supplemental Environmental Projects (SEPs) are identified in the consent order with the DEQ as an option for settling penalties

- *The SEPs were undertaken in connection with the settlement of an enforcement action taken by the Idaho Department of Environmental Quality for alleged violations of the requirements of the Hazardous Waste Management Act*
- *DOE-ID prefers to provide environmental benefits to the local area around the INL Site through SEPs.*

DEQ enforcement penalty for missed milestone for IWTU operations



NON-CO Penalty & SEP Summary

- **\$14,256,000 in penalties** assessed for failing to meet milestones for treating sodium bearing waste between March 2015 & March 2024
- **\$1,488,800** of that has been paid to the DEQ Hazardous Waste Emergency Fund
- **30 SEPs** have been approved by DEQ with a total value of \$10.58M. The approved SEPs are underway or have been completed
- Since 2017, **\$2.19M penalty** has been assessed annually through May 2024, except reduced in 2021 and 2022 due to COVID-19
- The settlement proposal is due to DEQ by **May 30th**
- DOE is liable for the penalty until the SEP is successfully completed



NON-CO Penalty & SEP Summary

- The annual penalties assessed in 2021 and 2022 were \$552,000 and \$1,458,000, respectively, due to impacts on the project from COVID-19 that were outside DOE-ID control
- SEPs under consideration for FY2024 include:
 - Two waste and recycling infrastructure upgrade projects for the Shoshone Bannock Tribes and Lincoln County.
 - Sewage collection system upgrade for the Groveland Water and Sewer District in Bingham County.



SEPs Project Types

Number of SEPs	Project Types	Amount \$
4	Funding for training of environmental regulatory personnel	211,314
12	Surface water and wetland protection and improvements	3,160,146
2	Air quality improvements	135,000
8	Waste and wastewater management, recycling, water conservation, and public health	3,369,740
4	Groundwater characterization and monitoring	3,701,000



Penalty & SEP Summary

Penalty Date	Amount \$	Number of SEPs/ Penalty Payment \$	Amount Resolved \$
5/3/2015	648,000	4 SEPs/ \$338,800	648,000
3/30/2017	648,000	6 SEPs/ 0	648,000
3/30/2018	2,190,000	3 SEPs/ 0	2,190,000
3/30/2019	2,190,000	5 SEPs/ \$1,150,000	2,190,000
3/30/2020	2,190,000	5 SEPs/ 0	1,100,691
3/30/2021	552,000	2 SEPs/ 0	552,000
3/30/2022	1,458,000	2 SEPs/ 0	0
3/30/2023	2,190,000	3 SEPs/ 0	0
3/30/2024	2,190,000	Proposed 3 SEPs/\$694,070	0
Totals	\$14,256,000	33 SEPs/ \$2,182,870	\$7,328,691

60% of the \$12,066,000 penalty, through 3/30/2023, has been resolved since March 2015.



SEP Development Process

- Possible project ideas are identified through public information, knowledge of local needs, DEQ, CAB member input, community contacts, contacts with elected officials, and others
- DOE-ID evaluates the identified projects against the DEQ SEP Policy and decides on a “short list” to discuss with DEQ
- Selected projects are developed further into proposals, in coordination with project proponents, for DOE-ID to propose to DEQ



SEP Development Process Schedule

- January-March - the “short list” of possible projects is identified
- March-May - formal SEP proposals are developed to submit to DEQ for approval. The proposal package is due to DEQ by May 30
- DEQ responds, approves/comments/rejects SEPs within 30 days
- July-September- DOE-ID develops and signs agreements with the project proponents for each approved SEP and funding becomes available for the projects to proceed



Completed SEPs

Date	Project
2015 – 2019	Western States Project
2015 & 2017	Wood Creek Jack & Rail and Clear Creek & Spring Creek Jack & Rail Fencing Riparian Protection Projects, Fort Hall Reservation
2015 & 2019	City of Salmon Clean Woodstove and Salmon PM Advance Projects
2015 & 2020	Rock Creek Restoration & Reconnection, and Crooked Creek and Silver Creek Tributaries Restoration Projects, The Nature Conservancy
2017	Protecting & Restoring Water Quality in the Teton River Watershed Project, Friends of the Teton River/Teton Regional Land Trust
2017	City of Idaho Falls Recycling, Stormwater and Water Conservation Project
2017 & 2018	Eastern Snake River Plain Aquifer Monitoring , and Southeast Idaho Data Collection & Monitoring Projects, Idaho Dept. of Water Resources



Completed SEPs

Date	Project
2017	Henry's Creek Fire & Tex Creek Wildlife Management Area Water Quality Improvement Project, Bureau of Land Management
2018 & 2019	Beck Canyon Riparian Fence & Market Lake Wildlife Management Area East Springs Wetland Restoration Project, and the Upper Snake Region Riparian/Wetland Restoration Project, Idaho Fish & Game
2019	Snake River School District 52 Sewer Upgrade Project
2019	Butte County Landfill Closure Investigation Project
2020 & 2021	Eastern Idaho Public Health Districts COVID-19 Support , and Southeast Idaho Public Health COVID-19 Support
2021	Big Lost River Burnett Canal Project, Burnett Water Users



Fort Hall Source Water Protection Projects



Fencing to protect natural springs and habitat

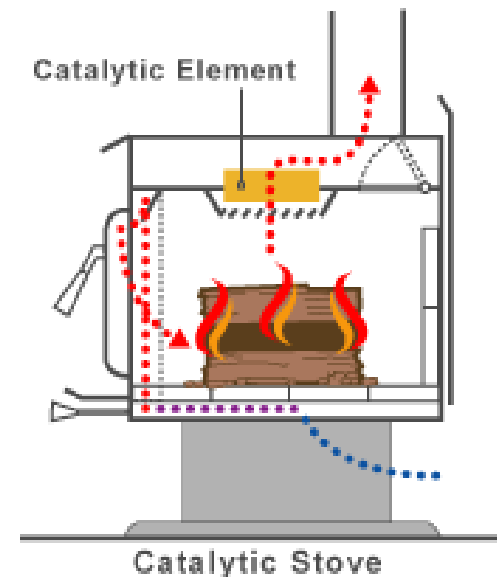
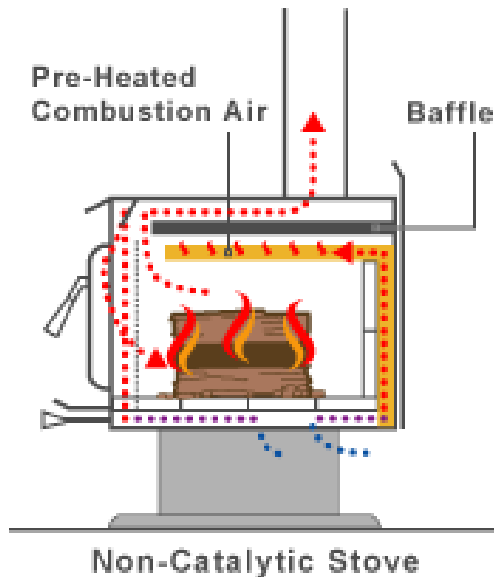


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City of Salmon Clean Woodstove Project



The City of Salmon-sponsored project provided rebates for replacement of older woodstoves with EPA certified clean woodstoves

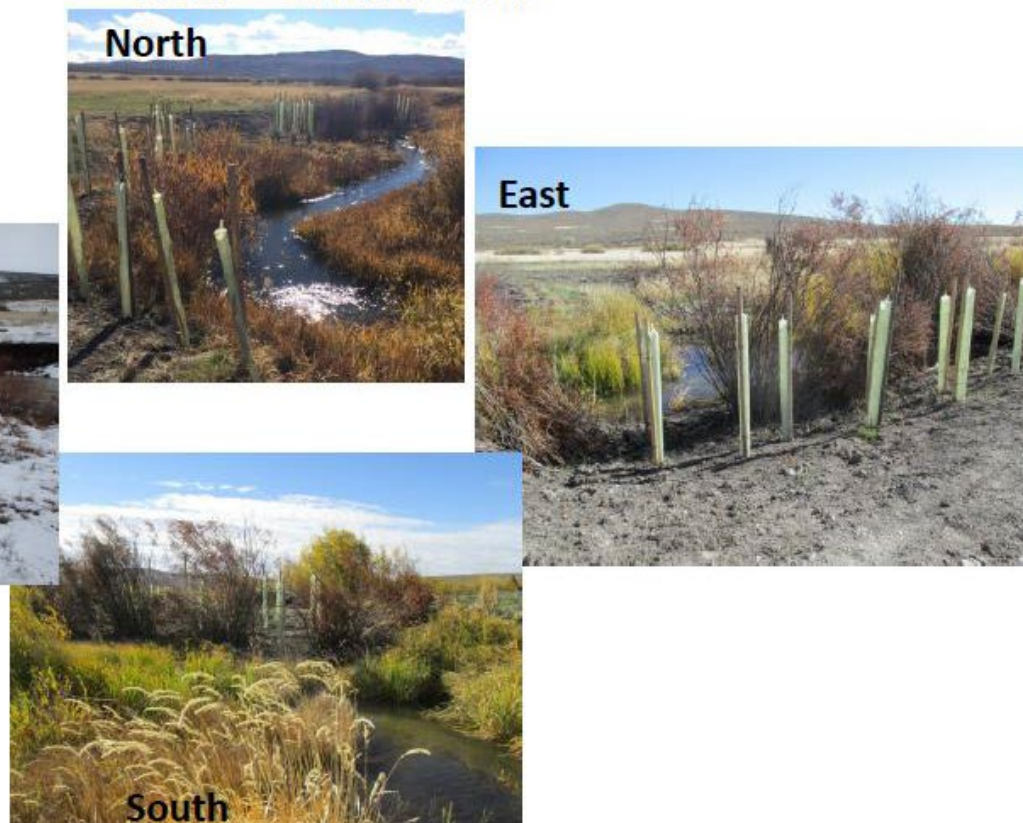


Nature Conservancy Restoration Projects

Before – December 2015



After – October 2016



The project restored the natural creek flow and vegetation to improve water quality and ecology



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Teton River Watershed Project

HOUSEHOLD HAZARDOUS WASTE FREE COLLECTION DAY

SATURDAY
MAY 19, 2018
8AM- 12PM



TETON COUNTY
IDAHO TRANSFER
STATION

DO BRING

- Oil-based paint
- Paint strippers & thinners
- Lawn & garden chemicals (herbicides, pesticides)
- Automotive products (antifreeze, brake fluid, transmission fluid)
- Pool & spa chemicals
- Gasoline, lighter fluid, & solvents
- Cleaning products (oven cleaner, drain opener, stain remover, polish, ammonia-based cleaners)
- Household products labeled "caution" "warning" or "poison"

DO NOT BRING

- Any container greater than 5 gallons
- Latex paint
- Industrial, commercial, or business waste
- Medical or pharmaceutical waste
- Agricultural chemicals
- Explosives, ammunition, or fireworks
- Asbestos
- Radioactive waste (smoke detectors)
- Compressed gas cylinders (fire extinguishers)
- Tires
- E-waste (computers, cellphones)

GUIDELINES FOR DISPOSAL

- Bring all substances in original container if possible. Please label if not in original container.
- Properly seal containers to prevent leaking
- Do not mix or consolidate products
- **Please keep in mind** that decisions to accept or reject materials will be made on site. We have the right to refuse service.

QUESTIONS? 208-354-3871 OR 208-354-3442 OR WWW.TETONWATER.ORG



This event is made possible by funding from Teton County, ID Solid Waste & Recycling and a grant from the U.S. Department of Energy in connection with the settlement of an enforcement action taken by the Idaho Department of Environmental Quality for alleged violations of the requirements of the Idaho Hazardous Waste Management Act.



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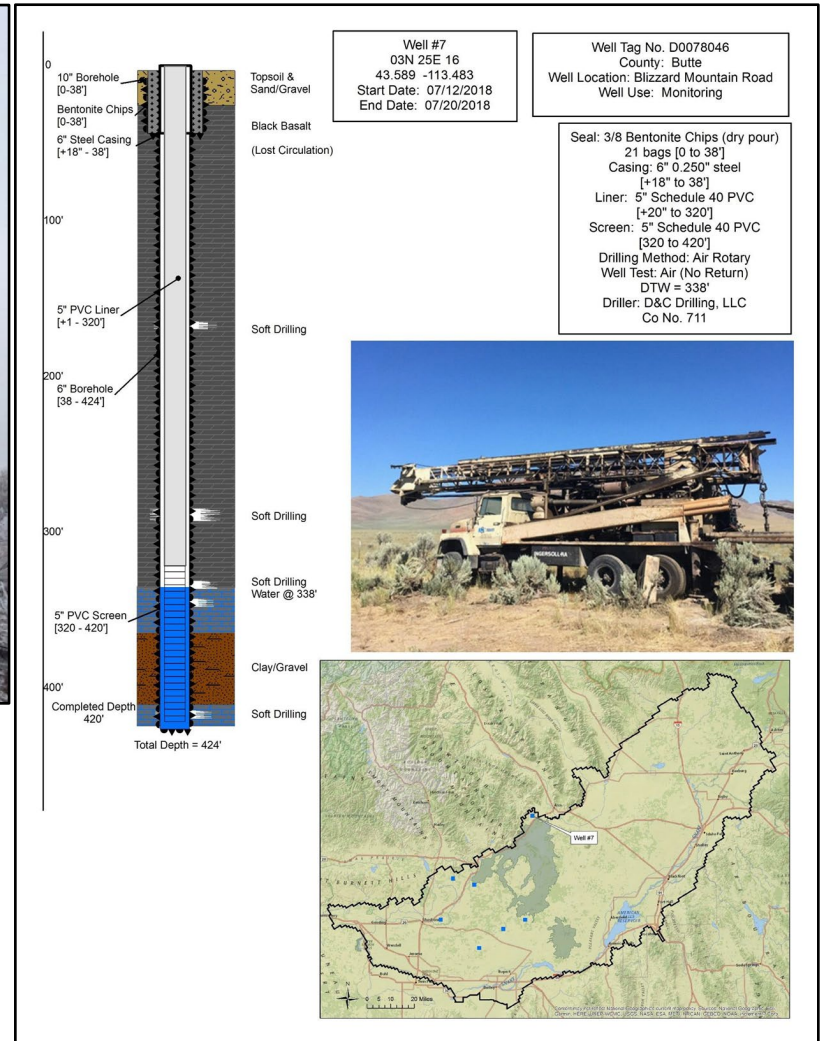
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IDWR Aquifer Monitoring Project



Well drilling and geophysical characterization



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BLM Henry's Creek Fire & Tex Creek WMA Project

**Areas for fencing
and erosion control
after the fire.**



Snake River School District Sewer Project



↑ Sewer Connect Project Layout

Lift Station Installation →

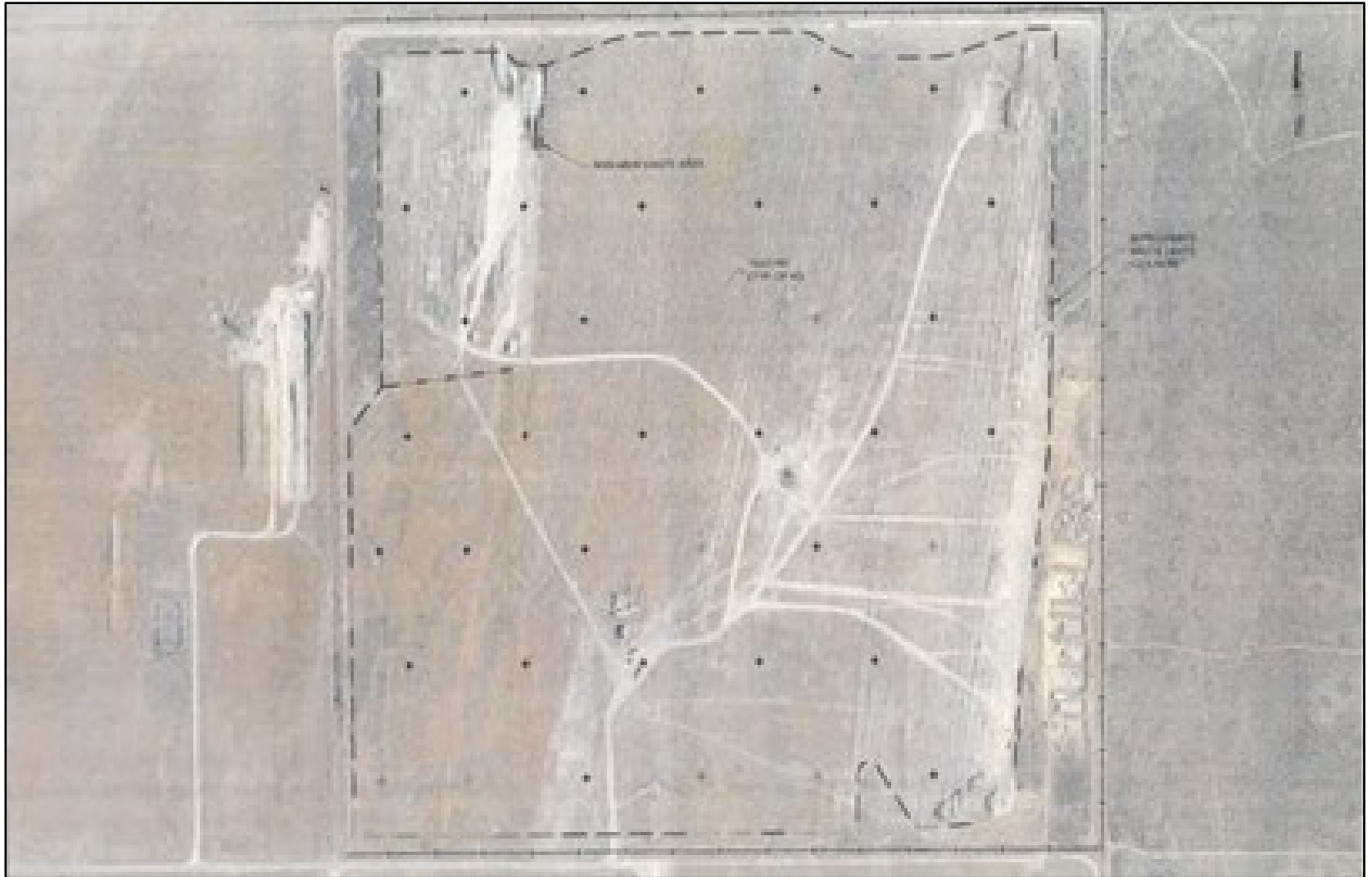


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Butte County Landfill Closure Investigation Project

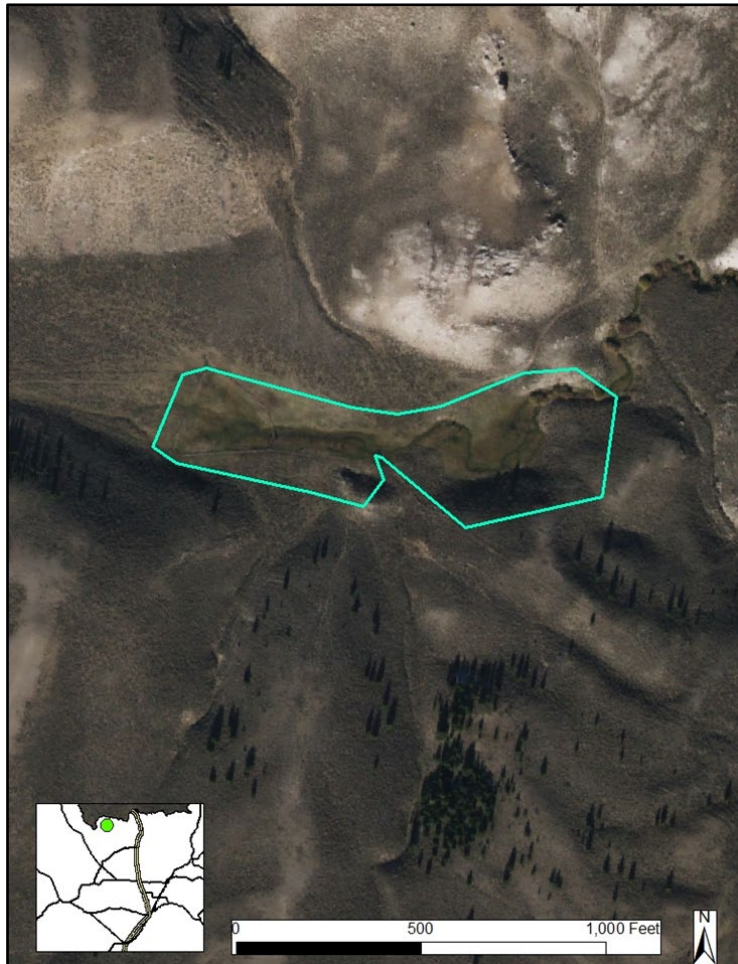


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F&G Surface Water & Wetland Protection Projects



Fencing & water management projects



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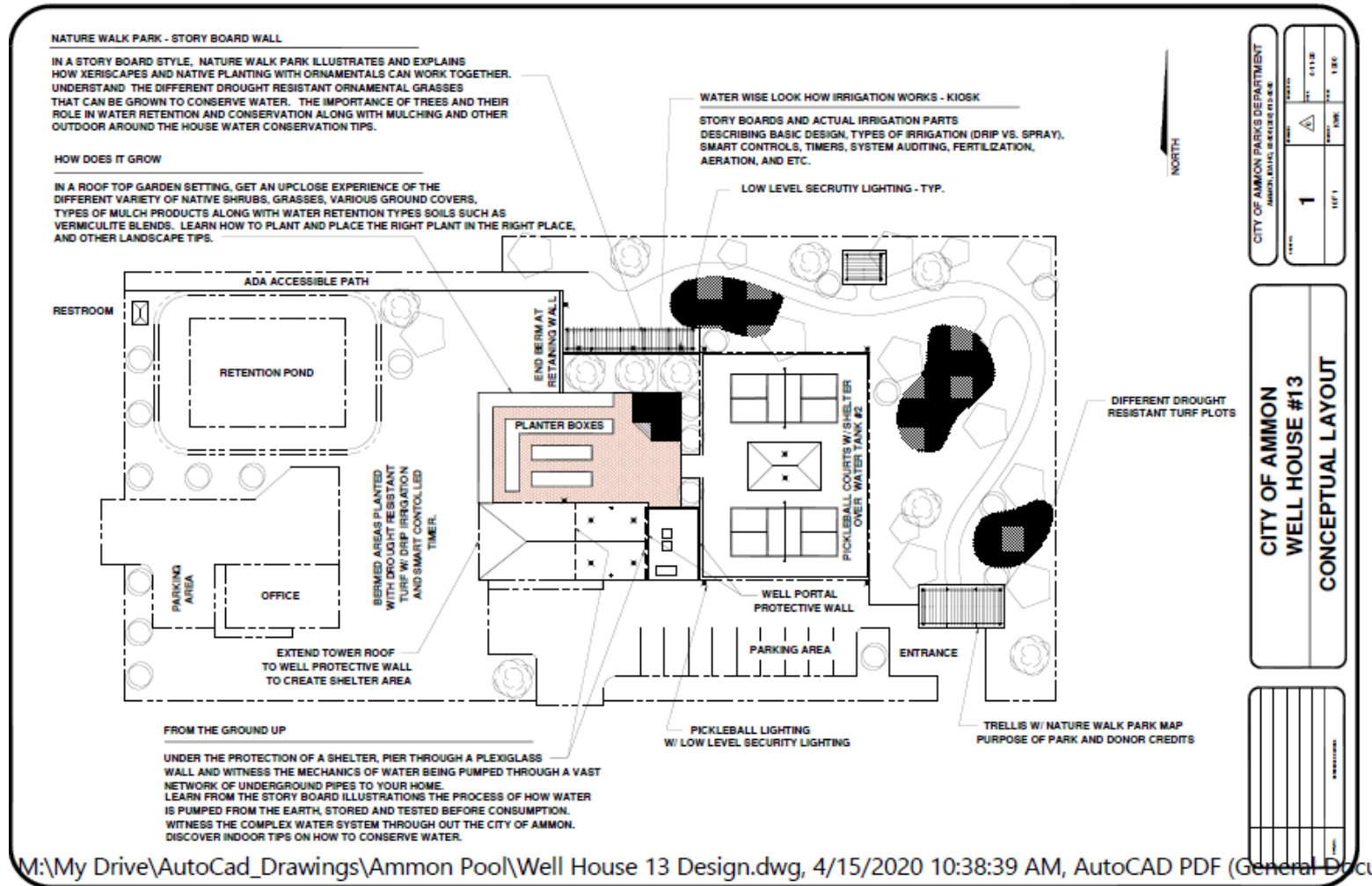
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SEPs Approved by DEQ – In Progress

Date	Project
2020	City of Ammon Groundwater Conservation Project
2020	Raft River Basin Hydrogeologic Investigation Project, Idaho Department of Water Resources
2020	Butte County Waste Management and Landfill Closure Project
2022	South Fork Snake River Watershed and Rainey Creek Water Quality and Habitat Enhancement Project, Henry's Fork Foundation
2023	INL Site Per- and Poly-fluoroalkyl Substances (PFAS) Investigation Project, DOE Idaho Cleanup Project
2023	Lower Rainey Creek Restoration, and Henry's Fork and South Fork of the Snake River Water Quality Monitoring Project, Henry's Fork Foundation
2023	Last Chance Wastewater Treatment Plant Upgrade Project, Fremont County, Idaho



City of Ammon Water Conservation Project



Water conservation & protection public education area

Butte County Waste Management & Landfill Project

*Solid Waste Alternatives
Analysis*

**BUTTE
COUNTY,
IDAHO**



Alternatives Analysis & Roll-off Waste & Recycling Station



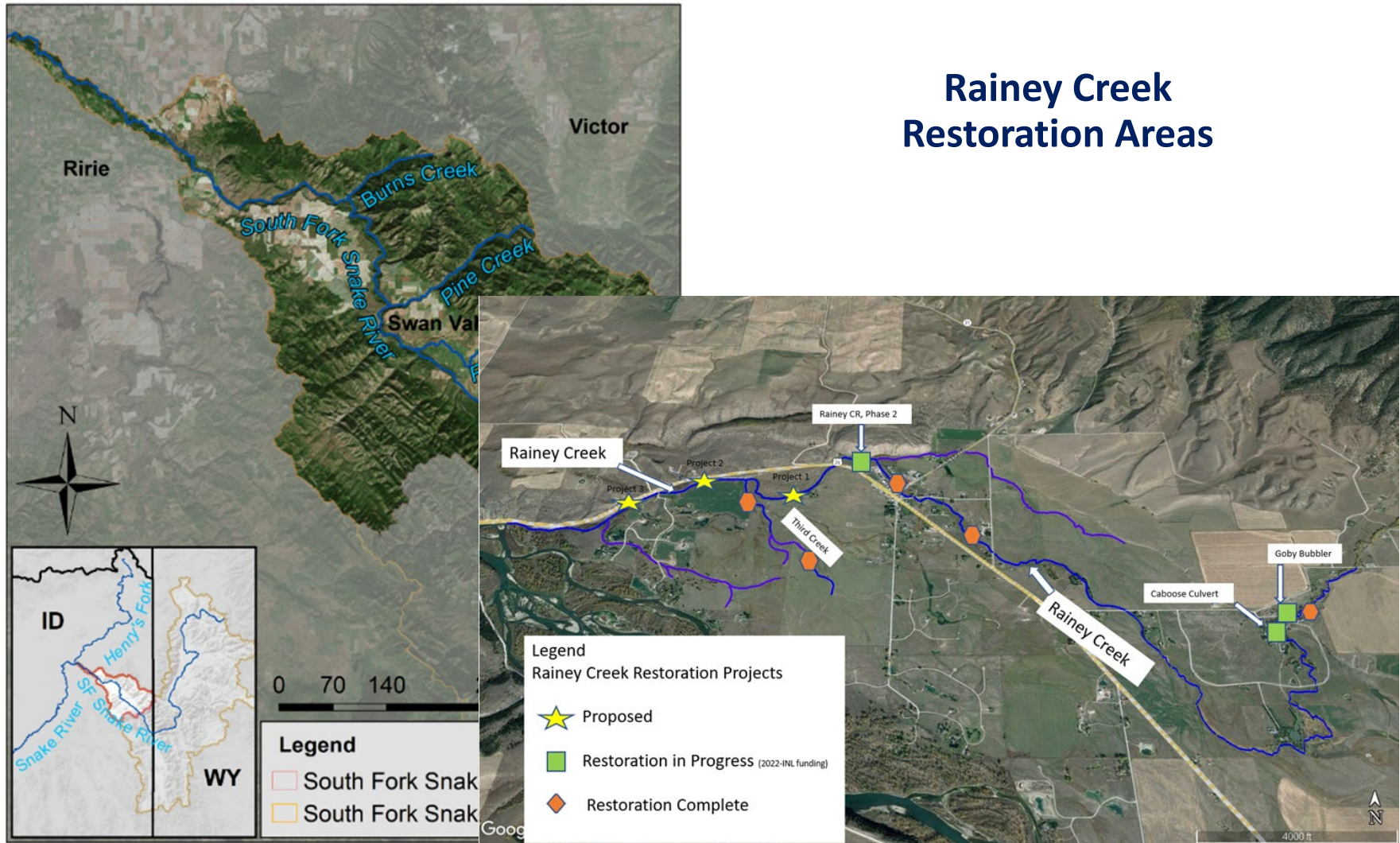
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Lower Rainey Creek Restoration Project

Rainey Creek Restoration Areas



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Questions?

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Background Slides



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Background

SEP Key Characteristics and Categories

- Characteristics: “Environmentally beneficial,” “in settlement of an enforcement action,” and “not otherwise legally required to perform”
- Categories: pollution prevention, pollution reduction, public awareness, and general enhancement of the quality of the environmental.
- Nexus geographically and in relationship to the violation.
- Generally Not Acceptable: Research contributions, cash donations to environmental organizations, projects for profit, projects using external financing or financial assistance (i.e. double dipping)



SEPs Completed

Date(s) Approved	Project	Status
2015 2017 2018 2019	Western States Project: 4 SEPs totaling \$211,314 to fund training for state environmental regulatory personnel	Completed
2015 2017	Wood Creek Jack & Rail Fencing Project and the Jack & Rail Fence Riparian Protection Project for Clear Creek & Spring Creek on the Fort Hall Reservation, Shoshone Bannock Tribes: 2 fencing projects totaling \$80,351 to protect natural springs and surface water from degradation due to livestock	Completed



SEPs Completed

Date(s) Approved	Project	Status
2015 & 2019	City of Salmon Clean Woodstove Project & PM Advance Project: 2 projects for \$135,000 to improve air quality in and around Salmon using rebates for upgrading wood-burning heating to EPA certified clean burning units	Completed
2015 & 2020	Rock Creek Restoration & Reconnection & Crooked and Silver Creek Tributaries Restoration Projects, The Nature Conservancy: Projects for \$200,000 and ~\$500,000, respectively, to restore surface water quality and riparian habitat	Completed



SEPs Completed

Date(s) Approved	Project	Status
2017	Protecting & Restoring Water Quality in the Teton River Watershed Project, Friends of the Teton River/Teton Regional Land Trust: A project for \$100,000 to protect water quality in the Teton River area and conduct a household hazardous waste day & well water testing	Completed
2017	City of Idaho Falls Recycling, Stormwater and Water Conservation Project: A project for \$90,000 for public education and system improvements for stormwater and water conservation, and waste recycling	Completed



SEPs Completed

Date(s) Approved	Project	Status
2017 & 2018	Eastern Snake River Plain Aquifer Monitoring, and Southeast Idaho Data Collection & Monitoring Projects, Idaho Dept. of Water Resources: Projects for \$251,000 and \$2.068M, respectively, to characterize the Eastern Snake Aquifer for water quality and groundwater recharge	Completed
2017	Henry's Creek Fire & Tex Creek Wildlife Management Area Water Quality Improvement Project, Bureau of Land Management: A project for \$92,170 to reduce erosion and protect surface water after the 2016 Tex Creek wildland fire	Completed



SEPs Completed

Date(s) Approved	Project	Status
2018, 2019, & 2020	Beck Canyon Riparian Fence & Market Lake Wildlife Management Area East Springs Wetland Restoration, and Upper Snake Region Riparian/Wetland Restoration Projects, Idaho Fish & Game: 3 projects totaling \$448,165 to improve and protect wetland habitats and water quality in springs and surface water	Completed
2019	Snake River School District 52 Sewer Upgrade Project: A project for \$700,000 providing partial funding to upgrade the septic systems at the high school and junior high school by connecting them to the Blackfoot Wastewater Treatment System	Completed



SEPs Completed

Date(s) Approved	Project	Status
2019	Butte County Landfill Closure Investigation Project: A project for \$24,000 to investigate the adequacy of the soil cover for closure of the Butte County Landfill	Completed
2020 & 2021	Eastern Idaho Public Health Districts COVID-19 Support: Projects to provide \$388,431, and additional \$52,000 to SE Idaho PHD, in support to the Southeast and Eastern Idaho Public Health Districts to assist with the response to the COVID-19 pandemic to reduce the environmental public health hazard	Completed



SEPs Completed

Date(s) Approved	Project	Status
2021	Big Lost River Burnett Canal Project, Burnett Water Users. A project for \$500,000 to line the irrigation canal for surface water conservation and quality	Completed



SEPs Approved by DEQ – In Progress

Date(s) Approved	Project	Status
2020	City of Ammon Groundwater Conservation Project: A project with the City of Ammon for \$257,309 to create an area for water conservation and pollution prevention public education at the site of a City drinking water tank	In progress
2020	Raft River Basin Hydrogeologic Investigation Project, Idaho Department of Water Resources: A project for \$832,000 to characterize water quality and influence on Eastern Snake River Aquifer groundwater recharge, with emphasis on the Raft River drainage	In progress



SEPs Approved by DEQ – In Progress

Date(s) Approved	Project	Status
2022	Butte County Waste Management and Landfill Closure Project , Butte County. Project for \$1,158,000 to evaluate alternatives for municipal waste management to allow closure of the old landfill and upgrade waste transfer stations in Arco & Howe	In progress
2022 & 2023	Snake River Watershed & Rainey Creek Water Quality & Habitat Enhancement, and Lower Rainey Creek Restoration & Henry's Creek and South Fork Water Quality Monitoring Projects , Henry's Fork Foundation. 2 projects for \$300,000 and \$940,000, respectively, to restore sections of Rainey Creek riparian habitat and monitor water quality	In progress



SEPs Approved by DEQ – In Progress

Date(s) Approved	Project	Status
2023	INL Site Per- and Poly-fluoroalkyl Substances (PFAS) Investigation Project , DOE Idaho Cleanup Project. Conduct preliminary reviews to determine if PFAS contamination has occurred on the INL Site. 2:1 project cost to penalty applied, \$500K penalty	In progress
2023	Last Chance Wastewater Treatment Plant Upgrade Project , Fremont County. \$700,000. Support to Fremont Co. to upgrade the wastewater treatment facility at Last Chance for increased capacity	In progress



NON-CO Milestones

- March 2015 Penalty of \$648,000 assessed at signing of 5th Modification to the NON-CO for missing the December 31, 2014 previous NON-CO milestone
- September 30, 2016 Initiate treatment of Sodium Bearing Waste (SBW) – **April 2023**
- September 30, 2017 Complete treatment of 30% of the SBW -
- June 30, 2018 Complete treatment of 70% of the SBW
- December 31, 2018 Permanently cease use of SBW tanks, WM-187, WM-188, WM-189, and WM-90
- Penalty continues, \$2000/day/tank or \$6000/day*, until the tanks are empty, or the NON-CO is renegotiated

* Penalty rate is same whether 1 or 4 milestones missed



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