

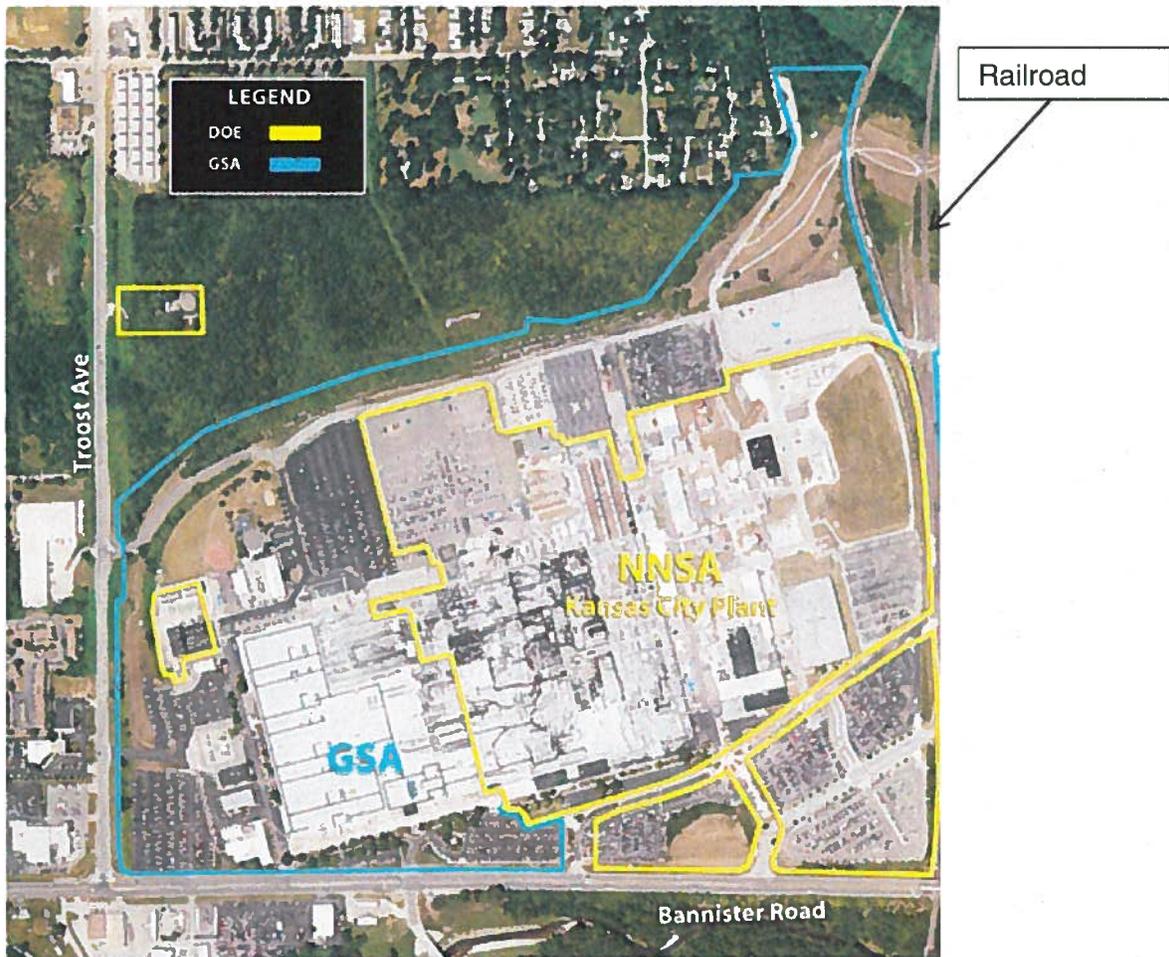
**NOTICE:** National Nuclear Security Administration

**ACTION:** Finding of No Significant Impact; Environmental Assessment for the Transfer of the Kansas City Plant, Kansas City, Missouri (DOE/EA-1947) – Revision 1.0

**DATE:** August 30, 2016

**1) CHANGED ACTION:**

Since the May 1, 2013 Finding of No Significant Impact (FONSI) and *Environmental Assessment for the Transfer of the Kansas City Plant, Kansas City, Missouri* (DOE/EA-1947; KCP EA), the proposed federal action has evolved and a decision has been made for National Nuclear Security Administration (NNSA) to transfer all excess federal property at the Bannister Federal Complex (BFC) to include areas under the custody and control of the General Services Administration (GSA) located west of the north-south running rail road tracks.



Chapter 4 of the EA, Cumulative Impacts, discusses the potential environmental impact of disposition of the GSA excess property on the BFC.

Based on this change, the Final EA was evaluated and determined to have contained sufficient information regarding the cumulative impacts of the excess federal GSA property; information which is included in Chapter 4 of the EA.

## **2) SUMMARY:**

The NNSA issues this revised FONSI on its proposed action to transfer the Kansas City Plant (KCP) [revised to be defined as including all excess federal property at the BFC to include the NNSA land and GSA land shown above and hereinafter referenced as *excess BFC property*], in whole or in part, to one or more entities for a use that is different from its current use. NNSA's *Environmental Assessment for the Transfer of the Kansas City Plant, Kansas City, Missouri* (DOE/EA-1947; KCP EA) evaluates the potential environmental impacts of the proposed action to transfer the KCP. NNSA's action is needed to reduce its operational footprint and reduce operational and maintenance costs in an environmentally safe and fiscally responsible manner. NNSA believes the transfer and future use of the excess BFC property would benefit NNSA and the local economic area.

The proposed action to transfer excess BFC property would have no significant impact on the environment. To provide information and context to decision makers and other document reviewers, the KCP EA analyzed a representative and realistic range of potential future uses. Although this range of potential future uses is not part of the proposed action, it provided possible scenarios of what actions might take place should the transfer occur. Because the actual future uses of excess BFC land and facilities are not currently known, this analytical scenario served as a basis for estimating the reasonably foreseeable potential environmental impacts to the excess BFC property following implementation of the proposed action. Potential future uses by any subsequent owner would be contingent upon receipt of necessary permits, authorizations, and additional environmental reviews.

Based on the results of the analysis reported in this EA, the NNSA has determined that the proposed action is not a major federal action that would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, the preparation of an Environmental Impact Statement (EIS) is not necessary, and NNSA is issuing this FONSI.

## **3) FOR FURTHER INFORMATION CONTACT:**

Further information, including an electronic copy of the EA, FONSI, Revised FONSI and other supporting National Environmental Policy Agency (NEPA) documents, will be made available on the following website:

<http://nnsa.energy.gov/nepa/bfcea>.

The EA and FONSI will also be made available at:

<http://eh.doe.gov/nepa>.

For further information on the NEPA process or to request a hard copy of the final EA or this FONSI contact:

Sybil Chandler, KCP Transfer EA Document Manager  
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Kansas City, Missouri 64147  
KCPFONSIComments@nnsa.doe.gov

#### 4) SUPPLEMENTARY INFORMATION:

Independent of any future transfer, the federal government is responsible for remedial activity at the BFC, and any transfer of the BFC would need to comply with all regulatory requirements. Any ownership transfer of the BFC would require the current Missouri Hazardous Waste Management Facility Part I and EPA Hazardous and Solid Waste Amendments of 1984 Part II Permits to be modified to add the new owner(s) as a Permittee, and ensure compliance with all applicable regulatory and permit-mandated requirements. In essence, the Permits will always be attached to ownership of the BFC property. Additionally, Sec. 120(h) of the Comprehensive Environmental Response Compensation and Liability Act of 1976 (CERCLA) imposes requirements on all transferees of Federal property to include a deed covenant that the United States will return and perform any additional response action that might be necessary in the future, and will retain a perpetual right of access to perform such actions. Also, all other applicable state and federal regulations for air, water, solid and hazardous waste will be identified and complied with by the responsible parties whether or not the transfer occurs.

The BFC has been characterized to identify soil, groundwater, and facility contamination from BFC operations and historical manufacturing operations that occurred at the site. NNSA has performed remediation and restoration activities under the *Resource Conservation and Recovery Act of 1976* (42 U.S.C. §§ 6901 *et seq.*) corrective action process, has completed corrective actions required by regulatory authorities, and will continue to perform corrective actions as identified and required.

The one area of possible concern identified in the EA regarding disposition of the GSA property involved wetlands impact. Title 10 CFR Part 1022 requires that proposed actions in wetlands be assessed with regard to the impact of the proposed action on those wetlands. Section 3.5.1.3.2 of the EA noted that the KCP included no wetlands and, while acknowledging the existence of wetlands on the GSA property, only assessed the impact of runoff from the KCP on the GSA wetlands during construction demolition. However, Section 4.3.4.4 of the EA discusses the GSA's wetlands delineation report which identifies the existence of wetlands on the GSA property to be transferred. The discussion in the final paragraph provides an assessment of the impact of the transfer of GSA land on those wetlands as follows:

“Because of the distance from these wetlands, activities associated with demolition, remediation, and construction in areas of existing facilities should not affect identified wetlands. If construction actions had the potential to affect these wetlands, for example by making changes to GSA property that alter the overall BFC drainage patterns, the future property owner(s) would be subject to MDNR stormwater discharge permitting requirements and the associated controls to protect down-gradient areas. A permit, if needed, would be expected to require mitigation if there was any potential for adverse impacts to wetlands. If actions could affect the southeastern portion of the BFC, that area would have to be assessed for the presence of wetlands.”

Accordingly, the EA assessed the impact of transfer of the GSA property containing wetlands as required by 10 CFR Part 1022. This information was available during the first public review comment. However, since the proposed transfer of excess BFC property now expressly includes the GSA property, NNSA is including this language in this Revised FONSI as provided in 10 CFR 1022.13. NNSA also allowed public comment on this addition as provided in 10 CFR 1022.15 and 1022.12.b.

NNSA informed the public of the EA through a Notice of Intent (77 FR 71414, November 20, 2012). NNSA held an informational meeting on December 11, 2012, to provide information regarding the scope of the EA and the new proposed action to interested parties. NNSA notified potentially interested local, State, and Federal agencies—including the Office of the Governor of Missouri, Missouri Department of Natural Resources, Missouri State Historic Preservation Office, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency Region 7, local stakeholders, and officials from local communities—of

this informational meeting. NNSA also published a notice about the informational meeting in the *Kansas City Star*, the largest local newspaper.

The draft EA was made available to the public for review on February 12, 2013. NNSA notified potentially interested local, State, and Federal agencies—including the Office of the Governor of Missouri, Missouri Department of Natural Resources, Missouri State Historic Preservation Office, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency Region 7, local stakeholders, and officials from local communities—of the availability of the draft EA for review and comment via a Notice of Availability sent to distribution in a postcard, and posted on various DOE websites and in the *Kansas City Star*. This notification stated the deadline for public comments was March 14, 2013.

NNSA held a public meeting on March 5, 2013, at the International Brotherhood of Electrical Workers Local Union 124 Meeting Hall in Kansas City to provide information on the draft EA and receive written and oral comments about the draft EA. NNSA advertised the meeting in the February 17 and March 3, 2013, editions of the *Kansas City Star*.

The draft Revised FONSI was made available to the public for a 15 day review period on July 6, 2016. As noted above, in accordance with 10 CFR 1022.13, NNSA included the required wetlands assessment in Ch. 4 of the EA as part of the detailed cumulative impacts section of the report. The EA provided a period of public comment which could be considered to satisfy 1022.15. However, since disposition of GSA property was not included in the NNSA proposed action expressly, NNSA elected to allow 15 days for comment which will be conducted IAW Sec. 1022.15(b) and 1022.12(b). NNSA provided notice to potentially interested local, State, and Federal agencies in the same manner as used for the EA. NNSA received four comments during this period. The NNSA Response to Comments is Appendix A to this document.

Based on the analysis in the EA and after considering all the comments received as a result of the review process, NNSA has concluded that no information has been made available that is inconsistent with a finding of no significant impact.

Based on the changed action, the Final EA was evaluated and determined to have contained sufficient information regarding the cumulative impacts of the excess federal property. Information which is included in Chapter 4 of the EA. Based on this additional evaluation, NNSA has concluded that no further NEPA documentation is required.

## **5) PURPOSE AND NEED:**

The purpose and need for agency action is to reduce NNSA's operational footprint and reduce operational and maintenance costs in an environmentally safe and fiscally responsible manner.

## **6) DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVE:**

Although the proposed action has evolved to include excess GSA property, the proposed action is still to transfer excess federal property located at the Bannister Federal Complex, in whole or in part, to one or more entities for a use that is different from its current use. This proposed action alone would have no impact on the environment. However, in order to provide information and context for decision makers and reviewers of this EA to assess the effect of the proposed action upon the human environment, this EA includes an analytical scenario based on the transferee(s) use of the property for mixed use (industrial, warehouse, and office), which could result in environmental impacts. NNSA does not know if the property transfer would be as a single unit or in parcels. NNSA would prefer to transfer its property as a single unit and based the KCP EA analysis on that assumption. The potential environmental impacts are expected to be the same whether transfer occurs as a single unit or in parcels.

In addition to the proposed action, impacts were also evaluated for the no action alternative. This alternative assumes that NNSA would vacate but not transfer the excess BFC Property. The property within the study area would be retained by the Federal Government.

## 7) ENVIRONMENTAL CONSEQUENCES OF PROPOSED ACTION:

### a) Beneficial and Adverse Impacts (40 CFR § 1508.27(b)(1))

Transfer of the BFC excess property would benefit the federal government by reducing its operational footprint and reducing operational and maintenance costs. Transfer of the BFC would benefit the local economic area because the property could be put to beneficial use. The analysis indicates that there would not be any significant adverse impacts from implementing the proposed action. Key findings of the EA related to the beneficial and adverse impacts of the analytical scenario are as follows:

- i) Land use. Under the analytical scenario, future operations at the BFC would most likely be mixed use (industrial, warehouse, and office) and would not result in any significant adverse impacts to future land use of the area.
- ii) Visual. Any future facility would be similar to current facilities in viewshed prominence and would comply with height limits/pertinent requirements under Kansas City's Zoning and Development Code.
- iii) Geology and Soils. Any ownership transfer of the BFC would require the new owner(s) to be a Permittee under the current Missouri Hazardous Waste Management Facility Part I and EPA Hazardous and Solid Waste Amendments of 1984 Part II Permits and comply with all applicable regulatory and permit-mandated requirements. Potential remediation involving soil removal would include backfilling of the remediated area with clean fill, which would produce a beneficial effect.
- iv) Water Resources. Under the analytical scenario, water use during new site operations would be expected to be within the range of what has been experienced historically at BFC. Use of ground water would continue to be prohibited via a deed restriction. The restriction is to ensure protection of human health by preventing exposure to known groundwater contamination in certain areas.
- v) Infrastructure. Under the analytical scenario, the utility infrastructure in the area is adequate to support any reasonably foreseeable future demands.
- vi) Socioeconomics. The transfer of the BFC and potential future operations would have a small positive impact on regional socioeconomics.
- vii) Waste Management. Any demolition, remediation, or new construction would generate hazardous and nonhazardous wastes. Under the analytical scenario, the maximum waste generated represents about 12 percent of the amount managed annually in hazardous waste landfills or surface impoundment facilities on a regional basis and less than 3 percent of the amount managed annually in such facilities across the county. Impacts of managing wastes would be insignificant.
- viii) Environmental Justice. Because there would be minimal public impacts, no disproportionately high and adverse human health effects or environmental impacts to minority or low-income populations would occur.

- ix) Intentional Destructive Acts. Future uses would not offer any particularly attractive targets of opportunity for terrorists or saboteurs to inflict adverse impacts to human life, health or safety.

**b) Public Health and Safety (40 CFR § 1508.27(b)(2))**

The analysis indicates that there will not be any significant adverse impacts to public health and safety from implementing the proposed action. Key findings of the EA related to the public health and safety based upon the analytical scenario are as follows:

- i) Human Health and Safety. Under the analytical scenario, potential occupational impacts to workers are expected to be comparable to historical trends at the BFC or smaller. Potential impacts to the public would be minimal.
- ii) Air Quality. New facility operations would be required to obtain air quality construction and operating permits, which would include emission limits and outline specific monitoring and recordkeeping requirements. Under the analytical scenario air quality regulations for asbestos mitigation and dust suppression would be addressed during demolition and construction. Air quality would be expected to remain in attainment for all criteria pollutants. Likewise, greenhouse gas emissions from mobile and stationary sources are expected to be similar in magnitude to current operations at the BFC (approximately 112,000 tons annually).
- iii) Noise. Under the analytical scenario, noise impacts related to demolition, remediation, or new construction are expected to be intermittent, temporary, and mainly planned during daytime hours.

**c) Unique characteristics of the geographical area (40 CFR § 1508.27(b)(3))**

- i) Prime Farmland. The location of the BFC is not considered prime farmland.
- ii) Impact to Wetlands. There are jurisdictional wetlands on the excess GSA property portion of BFC (GSA 2011). These wetlands are located on the North West, North East and West portions of the property, away from existing facilities. Activities associated with demolition, remediation, and construction in areas of existing facilities should not affect identified wetlands. As noted in Chapter 4 of the EA, if construction actions had the potential to affect these wetlands, for example by making changes to property that alter the overall BFC drainage patterns, the future property owner(s) would be subject to U.S. Army Corps of Engineers Sec. 404 permit process, the MDNR Sec. 401 certification process, the MDNR stormwater discharge permitting requirements and other applicable associated controls to protect down-gradient areas.

**d) Degree to which the effects on the quality of the human environment are likely to be highly controversial (40 CFR § 1508.27(b)(4))**

The analysis in the KCP EA indicates that the proposed action would result in no significant impacts in the quality of the human environment. Based on public comments, the proposed action is not controversial. The vast majority of public comment expressed concern regarding the clean-up of the site, water quality, and the timing of the transfer. NNSA has coordinated with the Missouri Department of Natural Resources and the EPA to ensure clean-up efforts will continue at the site through various permits and regulatory statutes. It should also be noted that only 14 of 80 comments were received regarding the potential environmental impacts of the proposed action. These comments are addressed in the EA, Appendix B.

**e) Uncertain or unknown risks to the human environment (40 CFR § 1508.27(b)(5))**

The BFC is considered a low-hazard industrial facility<sup>1</sup>, and operations at the BFC have involved hazards of the type and magnitude routinely encountered in industry and generally accepted by the public. The transferee(s) would likely use the property for mixed use (industrial, warehouse, and office), which is not expected to differ from historical use at the BFC.

**f) Precedent for future actions (40 CFR § 1508.27(b)(6))**

The selected alternative does not set a precedent for future actions.

**g) Cumulatively significant impacts (40 CFR § 1508.27(b)(7))**

NNSA evaluated cumulative impacts associated with new GSA lease spaces and the transfer of GSA property at the Bannister Federal Complex and determined there would be no significant cumulative impacts associated with implementing the proposed action.

**h) Effect on historical or cultural resources (40 CFR § 1508.27(b)(8))**

Potential impacts associated with the proposed transfer of the BFC on historically significant resources were assessed by NNSA and a report was provided to MDNR in accordance with procedures required under the National Historic Preservation Act and the Advisory Council on Historic Preservations regulation. Pursuant to these procedures, a Historic American Engineering Record (HAER) was developed to document historically important assets on the property. On April 1, 2015 the State Historic Preservation Office within MDNR determined that all required action had been concluded under the Act (SHPO 2015).

**i) Effect on endangered or threatened species or critical habitat (40 CFR § 1508.27(b)(9))**

There would be no significant impact on flora and fauna. Threatened and endangered species do not occur at the BFC because of the lack of suitable habitat.

**j) Violation of Federal, State, or local law (40 CFR § 1508.27(b)(10))**

The selected alternative would not violate any Federal, State, or local laws imposed for the protection of the environment.

**8) DETERMINATION:**

In accordance with NEPA and DOE's NEPA implementing regulations (10 CFR Part 1021); and based on the analysis in the KCP EA (DOE/EA-1947), and after careful consideration of all public and agency comments, NNSA finds that the transfer of excess federal property at the BFC is not a major Federal action significantly affecting the quality of the human environment within the meaning of the NEPA.

Therefore, the preparation of an Environmental Impact Statement is not required and NNSA is issuing this revised FONSI for the proposed action.

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<sup>1</sup> As defined in DOE O 5481.1B and DOE-EM-STD-5502-94. This term signifies that the site in question is assessed as presenting minor onsite and negligible offsite impacts to people or the environment

Issued at the Kansas City Plant, this 30th day of August, 2016



MARK L. HOLECEK  
Manager, Kansas City Field Office  
National Nuclear Security Administration

Appendix A: Comments and Responses on the Draft Rev FONSI

References:

GSA (General Services Administration) 2011. *Wetland Delineation Report, Bannister Federal Complex Project, U.S. General Services Administration (GSA), Burns & McDonnell Project No. 59369.* January 31, 2011 with attachments.

SHPO (State Historic Preservation Office) 2015. *Kansas City Plant/Bannister Federal Complex (NNSA) Jackson County, Missouri.* April 1, 2015

Appendix A: Comments and Responses on the Draft Revised FONSI

Comments and Responses on the Draft Revised FONSI				
Comment Number	EA Section	Commenter	Comment	Response
1	General	J Moore	Curious if the streams in the area of the bannister complex have been examined for pollutants and if any clean up of those are included in these plans? I have a particular interest in Dyke Branch as my property backs up to it. Can you provide recent water quality results?	The Draft Revised FONSI was drafted to account for changes to the proposed federal action involving incorporation of disposition of excess GSA property into the disposition action, and for payment of remediation work by the federal government. The Draft Revised FONSI did not impact the plan for water quality testing at the site. Impact of the proposed action on Surface Water is addressed in Sec. 3.5.1.1 of the Environmental Assessment (EA). That section describes the National Pollutant Discharge Elimination System Missouri State Operating Permit (MSOP) for stormwater discharges at the Bannister Federal Complex. As noted in Sec. 1.2.2 of the EA, NNSA is required to sample surface water, sediment, and fish tissue in Indian Creek and the Blue River for polychlorinated biphenyls (PCBs). Because the Dyke Branch is upstream of Indian Creek our testing does not extend to that waterway.

Comments and Responses on the Draft Revised FONSI				
Comment Number	EA Section	Commenter	Comment	Response
2	General	Barbara Woodman	I am a homeowner in the Holmeswood subdivision. Dyke Branch Creek runs through the back of my property and I have concerns about the impact of anything leaching into the ground from the Federal Complex when demolition commences. I would like to request a water quality test of Dyke Creek as well as surrounding streams and receive a copy of the results. Given what happened in Flint, Michigan, I have concerns on what the environmental impact will be on the land and neighborhoods surrounding this facility.	The Draft Revised FONSI was drafted to account for changes to the proposed federal action involving incorporation of disposition of excess GSA property into the disposition action, and for payment of remediation work by the federal government. The Draft Revised FONSI did not address the plan for water quality testing at the site. The impact of the proposed action on surface and ground water was addressed in Sec. 3.5 of the Environmental Assessment. This Section addresses water quality testing of groundwater and surface water related to the property. Results of these tests are located on file at the Department of Natural Resources Hazardous Waste Permits Section. However, because the Dyke Branch is upstream of Indian Creek our testing does not extend to that waterway.

Comments and Responses on the Draft Revised FONSI				
Comment Number	EA Section	Commenter	Comment	Response
3	General	David Blackwell Homeowner Kansas City MO	In general, my comment is simply that it's already become apparent that the property will continue to decline and erode physically. It saddens me that such a vast piece of property will now look like such an eye sore. Furthermore, if I understand the report correctly, the idea of a green space has been ruled out for future use? The report states the re-purposing options are limited to residential, factory, or office use. This seems highly unlikely given the location etc. I'd like to put forward a request as a concerned resident that this property be used for something that serves the public. Why can't there be a clean up initiative that makes a green space plausible? An area of this size and scope does not come available very often. The city has a great opportunity to expand it's sports complex, located on the other side of Bannister, and the trails all along blue river. We have hundreds of kids living within a mile of the Federal Complex and the nearest public park is located off of 83rd and Holmes. In fact, there used to be a little park off of Michigan St north of the complex but this was abandoned and let go. I would very much like to see this idea revisited and exhausted. It sounds like the only reason this cant happen is an unwillingness on the part of responsible parties, to do the hard work.	The Draft Revised FONSI was drafted to account for changes to the proposed federal action involving incorporation of disposition of excess GSA property into the disposition action, and for payment of remediation work by the federal government. The Draft Revised FONSI did not address the plan for redevelopment of the site. However, as noted in the response to comments section to the Environmental Assessment (EA), Note 27, NNSA reported that development consistent with mixed use (industrial, warehouse, and office) was the only feasible future use identified in the EA process. For this reason, the focus of analysis in the EA was limited to those possible future uses consistent with such mixed use. However, the EA does not foreclose other uses. Instead, to provide information and context to decision makers and other document reviewers relative to a FONSI and/or mitigation measures, the EA analyzes a representative and realistic range of potential future uses, referred to therein as the "analytical scenario." These potential future uses are not part of the proposed action. Because the future uses of KCP are not currently known, this analytical scenario serves only as a basis for estimating the potential environmental impacts of the proposed action. Potential future uses would be contingent upon receipt of necessary permits, authorizations, and additional environmental reviews.

Comments and Responses on the Draft Revised FONSI				
Comment Number	EA Section	Commenter	Comment	Response
4	General	Evan Smalley, Stream Team 1682, MO Dept. of Natural Resources	I am very concerned as both the head of MO DNR Stream Team #1682 (tributary located just 300 yards North of the Prospect Bridge and Blue River) and as a landowner at 3200 E 91st ST that perpetual toxic runoff from the Bannister Federal Complex will be perpetually destructive to the health of the Blue River and the Blue River Parkway. I would ask as a portion of resolving this transfer- that water quality testing would be continually done at the 2 main point-source outlets, one steel outlet gate located on the South side of the Prospect Bridge at Blue River, and the other a steel outlet gate located on the South side of Bannister Road, approximately 1000 yards East of Lydia, emptying into Indian Creek.	The Draft Revised FONSI was drafted to account for changes to the proposed federal action involving incorporation of disposition of excess GSA property into the disposition action, and for payment of remediation work by the federal government. The Draft Revised FONSI did not address the plan for water quality testing at the site. Impact of the proposed action on Surface Water is addressed in Sec. 3.5.1.1 of the Environmental Assessment. That section describes the National Pollutant Discharge Elimination System (NPDES) or Missouri State Operating Permit (MSOP) for stormwater discharges at the Bannister Federal Complex (Permit # MO0004863). This permit contains effluent limits for discharges and is transferrable upon disposition to a new owner. The source outlet located on the south side of the Prospect Bridge at the Blue River is the flood control structure for the Dotson Levee District which controls flows from Boone Creek. The flood control structure prevents the Blue River from inundating the area upstream on Boone Creek. Banister Federal complex Outfall 001, which is regulated under the above MSOP, discharges into Boone Creek. The source outlet located 1,000 yards east of Lydia is identified as Bannister Federal Complex Outfall 002, which is also regulated under the above referenced MSOP.