

**NOTICE:** U.S. Department of Energy Portsmouth/Paducah Project Office

**ACTION:** Finding of No Significant Impact; *Conveyance of Real Property at the Portsmouth Gaseous Diffusion Plant in Pike County, Ohio*, DOE/EA-1856 (Environmental Assessment)

**DATE:** June 2017

**1) SUMMARY:**

The U.S. Department of Energy (DOE) has completed an Environmental Assessment (EA) for the conveyance (title transfer) of DOE real property located at the Portsmouth Gaseous Diffusion Plant (PORTS) for mixed use economic development. DOE's *Conveyance of Real Property at the Portsmouth Gaseous Diffusion Plant in Pike County, Ohio* (DOE/EA-1856) assesses the consequences of the transfer of PORTS real property. The Purpose and Need for DOE's Proposed Action is to support local economic development and to reduce the footprint of the site, which would reduce the cost to maintain the site and is consistent with the goals of the President's Memorandum *Disposing of Unneeded Federal Real Estate – Increasing Sales Proceeds, Cutting Operating Costs, and Improving Energy Efficiency* (June 10, 2010).

The Proposed Action to transfer real property at the PORTS site would have no significant impact on the environment. DOE's EA analyzed a representative and reasonable range of potential future industrial and commercial uses and potential environmental impacts. The range of uses considered in the EA served as an analytical tool to provide context for actions that might take place if one or more transfers occur. DOE would conduct a review of all received real property transfer proposals under the National Environmental Policy Act of 1969 (NEPA) to ascertain whether future uses are within the bounds and assumptions used in the EA analysis. If DOE determines the proposed use is not within the bounds and assumptions used in the EA analysis, it would evaluate whether a supplemental EA or an Environmental Impact Statement (EIS) would be required at that time. Potential future land uses by any subsequent owner would be contingent upon receipt of necessary permits, authorizations, and additional environmental reviews. Future development and land use will be compliant with local, state, and federal laws and regulations.

Based on the results of the analyses reported in the EA, DOE 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 NEPA. Therefore, the preparation of an EIS is not necessary and DOE is issuing this Finding of No Significant Impact (FONSI).

**2) FOR FURTHER INFORMATION CONTACT:**

Further information, including an electronic copy of the EA, and other supporting NEPA documents can be found on the following websites:

- <http://energy.gov/nepa/nepa-documents/environmental-assessments-ea>
- <http://energy.gov/pppo/portsmouth-site/portsmouth-community-outreach/portsmouth-public-documents>.

For further information on the EA contact:

U.S. Department of Energy  
P.O. Box 700  
Piketon, Ohio 45661

**3) SUPPLEMENTARY INFORMATION:**

DOE held a decontamination and decommissioning (D&D) project update meeting for the public on Tuesday, January 24, 2017 at Piketon High School in Piketon, Ohio related to the cleanup status of PORTS and included public information on the Draft EA. The meeting included an information table/booth where the public could learn about the EA. Approximately 50 members of the public attended the meeting. The original 45-day public comment period on the Draft EA began on January 4, 2017. A commentor requested a 60-day extension and DOE extended the public comment period to April 19, 2017. During the public comment period, DOE accepted comments on the Draft EA by mail, facsimile, e-mail, and voice-mail.

The public comment period and informational meeting were announced by postcards mailed to PORTS neighbors and other stakeholders and advertisements in local newspapers, including the Pike County News Watchman, the Portsmouth Daily Times, the Chillicothe Gazette, and the Jackson Times-Journal. The public comment period and informational meeting were also posted to the DOE and Fluor-BWXT Portsmouth LLC websites.

**4) PURPOSE AND NEED:**

The Purpose and Need for DOE's Proposed Action is to support local economic development and to reduce the footprint of the site, which would reduce or eliminate costs to maintain the site. A portion of the community is interested in real property transfer to help offset job losses by attracting business to the area and using the property at PORTS for potential community reuse.

**5) DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVE:**

DOE proposes to transfer, by fee title transfer, unneeded real property at PORTS to interested parties who would use, sell, or lease the real property to further economic development in southern Ohio. The Proposed Action includes the option of leasing the real property prior to completing the transfer, but it does not include the option to lease only. Other types of transfers may also occur under the Proposed Action to assist DOE in shrinking its site footprint, such as transfers for conservation or mitigation purposes, though it is presumed that the majority of transfers would be to further economic development opportunities in the region.

Under the Proposed Action, DOE evaluated the transfer of up to 3,677 acres of real property. Significant portions of land within the 1,200-acre centrally developed area would not be transferred until after D&D and remedial actions are completed. Also, some property used for waste disposal locations will not be transferred. However, for the purposes of analysis, the scope of the EA addressed the transfer of up to 3,677 acres of DOE-owned property. The Proposed Action assumes that the transferred real property would be developed for a range of uses, up to and including light industrial/general commercial to heavy industrial, as well as combined mixed uses.

Although the EA analyzed several potential reuse scenarios for the property being evaluated, it does not eliminate the need for the transferee to complete any required environmental analysis, permits, or consultations, if appropriate, for their proposed future actions. If a transferee would require a federal permit or license, for example, the federal agency, working on behalf of the transferee, would need to complete the required additional processes (e.g., additional NEPA review).

Under the No-Action Alternative, DOE would not transfer any of the lands and facilities at the PORTS site. DOE would maintain a level of security and maintenance appropriate to site activity. D&D and remediation of the PORTS site, which are independent of the Proposed Action and No-Action Alternatives, will be performed regardless of real property transfer.

## 6) ENVIRONMENTAL CONSEQUENCES OF PROPOSED ACTION:

### a) **Beneficial and Adverse Impacts (40 Code of Federal Regulations [CFR] § 1508.27(b)(1))**

Transfer of the PORTS real property would benefit DOE by reducing its operational footprint and reducing operational and maintenance costs. The transfer of the PORTS real property will also support local economic development. The analyses indicate there would not be any significant adverse impacts from implementing the Proposed Action. Key findings of the EA related to beneficial and adverse impacts follow:

- i) Land Use. Under the Proposed Action, the present land use of PORTS would change over time as property is transferred and development occurs. This would be most evident in the areas that have had limited development or presently are primarily undeveloped. In the central portion of PORTS, development would not change the existing land use, which has been and is currently industrial in nature. Under the evaluated scenarios, future land uses at PORTS would most likely be industrial and commercial and would not result in any significant adverse impacts to the land use of the area. Land use and visual impacts from forestry/wildlife management or conservation uses would be minimal.
- ii) Visual. Because the site is currently an industrial site, future uses would not result in significant adverse impacts to the visual resources of the area.
- iii) Geology and Soils. Future use of the PORTS site for industrial uses could involve land disturbing activities such as clearing, grading, and otherwise changing the topography of the land. Such actions would not affect the site's underlying geologic formations and no significant impacts to geology or soils would occur as the result of such land disturbing activities.
- iv) Water Resources. Water use for any new facilities would be anticipated to be within the range of what has been experienced historically at PORTS. DOE filed a deed notification at the Pike County Auditor's Office in 2003 that restricts the use of groundwater beneath DOE property and use of groundwater would continue to be prohibited. Applicable federal, state, and local laws and regulations would apply to transferee activities that could potentially affect a floodplain or wetlands. The addition of new impervious surfaces would increase the rate and volume of storm water runoff within the affected area. Increases in surface water runoff as a result of new construction can be attenuated through the use of temporary or permanent storm water controls, such as detention or retention basins and other structures and stabilization of disturbed areas through landscaping and vegetation. No significant adverse impacts on surface water or groundwater are anticipated from construction and normal facility operations.
- v) Socioeconomics and Environmental Justice. The Proposed Action of real property transfer, with regards to the socioeconomics, in a worst-case scenario where no commercial businesses and industries are recruited for the property, would be a "no impact" rather than negative or adverse impacts. Future uses of the PORTS site are expected to have positive impacts to the regional economy when compared to the No-Action Alternative and the downsizing of DOE and contractor employment levels as D&D and environmental cleanup proceeds and is eventually completed. These impacts would depend on a number of factors, among them the success of the chosen recruiting strategy and the types of commercial businesses and industries recruited. Given the competitive nature of business and industrial recruiting, the willingness of commercial companies to locate at the new development is not assured. The purpose here is not to forecast economic activity, but to make sure reasonably foreseeable indirect impacts are appropriately

identified and considered. Beneficial impacts could include increased local revenue from real estate, commercial activities, and property taxes. Based on the number of new jobs that would be created, no impact on population is anticipated. Based on the existing demographics around the site, the Proposed Action would not result in disproportionately high and adverse impacts on minority or low-income populations, but rather could generate potentially positive impacts through job creation for all population sectors.

- vi) Infrastructure and Transportation. The utility infrastructure and transportation system in the area is adequate to support reasonably foreseeable future development, but minor upgrades and modifications would be needed. The additional traffic associated with any new development would have a negligible impact on existing traffic since the affected roadways presently have sufficient design capacity.
- vii) Waste Management. Specific details about the wastes that may be generated by companies locating on property that is conveyed and developed are not available; however, the types of uses that are anticipated would produce wastes typical of other industrial, research, and office park operations in the region. These wastes would be handled by the individual companies or by contracted waste management services providers. Solid nonhazardous wastes are expected to be recycled or transported to an appropriate licensed landfill for disposal. Only minor quantities of hazardous waste and hazardous materials are anticipated to be handled or generated. If a future use included a waste or chemical treatment facility that handles sufficient quantities of potentially hazardous materials, that facility would be subject to appropriate permitting or licensing.
- viii) Intentional Destructive Acts. The likelihood of sabotage and terrorism is extremely low; however, it is possible (but highly unlikely) that random acts of vandalism could occur. Future industrial or commercial users would likely implement physical barriers and security measures typical of small industrial parks and other commercial developments.

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

The analysis indicates that there would not be significant adverse impacts to public health and safety from implementing the Proposed Action. Key findings of the EA related to public health and safety based on the evaluated scenarios follow:

- i) Air Quality. Since not all of the land parcels would be transferred all at once, construction activities would be phased and air emissions from site development would be short-term, sporadic, and localized. As required by state and federal laws and regulations, new facility operations would obtain applicable air quality permits and would be expected to comply with them. The types of commercial businesses and industries that are anticipated to be recruited could produce air emissions typical of standard industrial and research operations (e.g., volatile organic compounds, particulates, etc.). Minor emissions are typically controlled within the facility using conventional treatment technologies like scrubber systems and particulate filters, and external effects are negligible. Air quality would be anticipated to be in attainment for all criteria pollutants.
- ii) Noise. Noise impacts from new construction and development are expected to be intermittent, temporary, and mainly planned to occur during daytime hours. Future commercial or industrial uses could have noise impacts on the surrounding areas, but noise levels should remain close to existing levels, and no adverse noise impacts are anticipated.

iii) **Human Health and Safety.** It is likely that commercial businesses and industries would have occupational hazards, emissions, and effluents common to other industrial sites. These businesses and industries would be required to follow appropriate environmental regulations and obtain applicable permits that are intended to protect human health and the environment. Issues related to public and worker exposures to effluents and emissions from industrial operations would be addressed by permits and regulations under the State of Ohio. For this reason, potential impacts to the public would be minimal.

**c) Unique Characteristics of the Geographical Area (40 CFR § 1508.27(b)(3))**

i) **Prime Farmland.** Soils on the site and those immediately adjacent to PORTS are of low fertility and do not qualify as prime farmland. Farmland that qualifies for protection under the *Farmland Protection and Policy Act of 1981* is located primarily along the Scioto River floodplain and in preglacial valley fill areas to the north and east of PORTS and would not be affected by the Proposed Action.

ii) **Impact to Wetlands.** Previous wetland assessments have identified an estimated 36 acres of wetlands on the PORTS site. The potential for, and degree of, impacts would depend on how the future owners and/or occupants develop and use the property. Any proposed activities that would affect wetlands or other waters of the United States or the State of Ohio would require a Section 404 permit from the U.S. Army Corps of Engineers and a Section 401 Water Quality Certification from the state. It would be the responsibility of the new owners and/or occupants to secure these prior to initiating work in any wetlands. Permit conditions would stipulate which activities could occur in or around wetlands.

**d) Degree to which Effects on the Quality of the Human Environment are Likely to be Highly Controversial (40 CFR § 1508.27(b)(4))**

The analysis in the draft EA indicated that the Proposed Action would result in no significant impacts in the quality of the human environment. DOE received 47 submittals, containing several individual comments. There were several comments submitted that were not related to the Proposed Action being evaluated in the EA (i.e., several comments were related to previous cleanup decisions). Thirty-two of the comment submittals were positive and supportive of the Proposed Action. Comments on the draft EA provided no evidence supporting claims that the Proposed Action of real property transfer will have significant effects, or that it is highly controversial. Many of the comments were focused on the desire for continued cleanup of the site and opposition to accepting or storing nuclear waste on the site, which were not in the scope of the EA. All public comments are addressed in the final EA, Appendix A.

**e) Uncertain or Unknown Risks to the Human Environment (40 CFR § 1508.27(b)(5))**

PORTS operations historically involved hazards of the type and magnitude routinely encountered in industry and generally accepted by the public. The expectations for future uses of PORTS would likely be industrial in nature and all uses requiring approvals, permits, or licenses would need to be obtained by the future user. Although the EA analyzed several potential reuse scenarios for the property being evaluated, it does not eliminate the need for the transferee to complete any required environmental analysis, permits, or consultations, if appropriate, for their proposed future actions. If a transferee would require a federal permit or license, for example, the federal agency, working on behalf of the transferee, would need to complete the required additional processes (e.g., additional NEPA review).

**f) Precedent for Future Actions (40 CFR § 1508.27(b)(6))**

Precedents for the transfer of DOE real property have been set through previous real property NEPA documents and DOE guidance.

**g) Cumulatively Significant Impacts (40 CFR § 1508.27(b)(7))**

To evaluate the cumulative impacts, DOE considered the impacts of the real property transfer along with the current DOE Environmental Management mission projects (i.e., PORTS D&D and Remediation Projects, the PORTS On-site Waste Disposal Facility Project, and the Depleted Uranium Hexafluoride Conversion Project) and regional industrial parks. Based on the evaluation, DOE determined that potential impacts on the various environmental resources from the Proposed Action when added with the impacts of other reasonably foreseeable future actions in the PORTS area would not be significant.

**h) Effect on Historic or Archaeological Cultural Resources (40 CFR § 1508.27(b)(8))**

No impacts would occur to the DOE-built historic resources from the Proposed Action, as those resources are addressed in the 2015 D&D remedial decision. There is a potential for impacts to historic or archaeological cultural resources that could occur either indirectly or directly, depending on future development activities and locations. There are two archaeological historic properties that may be transferred in the future. DOE would include restrictions in the deed to avoid adverse impacts and indicate that, should a transferee propose adverse impacts, the process defined in Section 106 of the National Historic Preservation Act of 1966 would need to be followed.

**i) Effect on Endangered or Threatened Species or Critical Habitat (40 CFR § 1508.27(b)(9))**

The potential impacts of constructing and operating a facility within the industrial areas would have minimal impacts to biological resources due to the existing character of the site and limited habitat. The Indiana bat and northern long-eared bat are the only federally listed threatened and endangered faunal species whose home ranges include the PORTS site. Coordination would need to occur with the U.S. Fish and Wildlife Services regarding the timing of any activities related to clearing of forested areas or other activities that could cause adverse impacts to habitat.

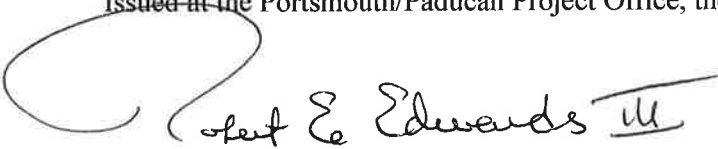
**j) Violation of Federal, State, or Local Law (40 CFR § 1508.27(b)(10))**

The Proposed Action would not violate any federal, state, or local laws imposed for the protection of the environment.

**7) DETERMINATION**

In accordance with NEPA and DOE's implementing regulations (10 CFR §1021), based on the analyses in the PORTS EA (DOE/EA-1856), and after careful consideration of all public and agency comments, DOE finds that the transfer of PORTS real property for the mixed use economic development is not a major federal action significantly affecting the human environment within the meaning of NEPA. Therefore, the preparation of an EIS is not required and DOE is issuing this FONSI for the Proposed Action.

Issued at the Portsmouth/Paducah Project Office, the day of 29 June 2017.

  
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U.S. Department of Energy