

DATE: October 16, 2020
TO: Greg Lovato, Administrator
FROM: Christine Andres, Chief, Bureau of Federal Facilities
SUBJECT: Quarterly Report: July 1, 2020 to September 30, 2020

FEDERAL FACILITY AGREEMENT AND CONSENT ORDER

(FFACO) QUARTERLY REPORT

Due to the continuation of stay-at-home orders issued by the Governor of Nevada on March 15, 2020, because of the COVID-19 pandemic, both the Nevada Division of Environmental Protection (NDEP) and the Department of Energy's Nevada Offices continued mostly teleworking this reporting period. While the stay-at-home order continued to impact in-person meetings and field visits/in-person inspections this quarter, a few select meetings were held in person following all safety protocols. Teleworking did not however, impact submittal and review of documents, reports, letters, virtual meetings or teleconferences, as noted below.

Industrial Sites Activity

At the end of June, there were 1962 historical Corrective Action Sites (CASs) (out of 1970 total) that have been closed, with two CASs in Corrective Action Unit (CAU) 114 and six CASs in CAU 572 held for future work. National Nuclear Security Administration/Nevada Field Office (NNSA/NFO) and/or the Department of Energy's (DOE) Environmental Management (EM) Nevada Program (NP) federal funding will dictate when these eight (8) Industrial Sites CASs are closed under the FFACO. However, planning by the EM NP continued for the needed remediation work on both of these CAUs during this quarter, including a Data Quality Objective meeting for CAU 572.

BFF staff continued post-closure monitoring activities through report reviews and Use-Restrictions reviews for a number of closed Industrial Sites on the NNSS, as well as the following activities:

Document Reviews and Letters:

CAU 111 and Tribal Interaction – BFF staff reviewed the quarterly revegetation effort status letter report. Due to the COVID-19 pandemic, there was no quarterly meeting with the Tribal Revegetation Committee at the NNSS.

Post-Closure Inspection Report for Closed Non-RCRA CAUs on the NNSS – Following review of the ERRATA Sheet submitted for this report, BFF staff issued an approval letter for the report on August 31, 2020.

Post-Closure Inspection Report for the Tonopah Test Range (TTR) and Nevada Test and Training Range (NTTR) – In the previous quarter, staff reviewed the Draft Post-Closure Inspection Report for the TTR and NTTR for Calendar Year 2019 and provided comments to the

EM NP, who responded on June 23, 2020. BFF staff acknowledged this response in a July 9, 2020 letter.

Meetings and Presentations:

NDEP staff participated in a UR teleconference/meeting to discuss the development of a document combining FFACO UR information.

Soils Activity Sites

At the end of December 2019, all Soil CASs, a total of 144, had been closed. At the start of 2020, all identified Soils Sites had been addressed under the FFACO.

Underground Test Area (UGTA) Activity

There are five (5) UGTA CAUs, all of which are in various stages of active investigation, CADD/CAP (model evaluation) or long-term monitoring during the Closure Stage.

During this quarter, BFF staff participated in the process of document review, project evaluation, meetings and/or teleconferences for four (4) of the five (5) the CAUs in the following ways:

Document Reviews and Letters:

CAU 97 – Yucca Flat / Climax Mine – On September 3, 2020, the EM NP submitted a request for a Deadline Extension for the Yucca Flat/Climax Mine Closure Monitoring Report due to the laboratory analysis being delayed by the COVIS-19 pandemic. The request was reviewed and approved by NDEP in a letter dated September 8, 2020.

BFF staff submitted comments on August 17, 2020 to the EM NP on the draft Closure Report for this CAU, which was received on June 16, 2020. The final Closure Report was received from the EM NP on September 9, 2020.

CAU 98 – Frenchman Flat – Staff completed their review of the final CY2019 Annual Closure Monitoring Report CAU 98 and submitted comments early this quarter. All BFF comments on the draft document were satisfactorily addressed in the final document, received on August 12, 2020. The final document was approved in an August 17, 2020 letter.

CAU 101/102 – Pahute Mesa (PM) – NDEP received and reviewed the final Update to the Phase II Corrective Action Investigation Plan (CAIP) for these CAUs. All of the BFF's comments on the draft document were addressed and an approval letter was issued on August 10, 2020.

NDEP received, reviewed and submitted comments on the Phase II Geochemical and Isotopic Evaluation of Groundwater Flow in the Pahute Mesa-Oasis Valley Flow System, Nevada, Revision 0, July 2020.

Staff began reviewing, and compiling comments on, the UGTA Sampling Plan for Corrective Action Units 101 and 102: Central and Western Pahute Mesa received towards the end of this quarter. A comment letter will be sent out next quarter.

At the end of the quarter, the BFF received the Hydrologic Data for the Groundwater Flow and Contaminant Transport Model for these two (2) CAUSs. Once review of this document is complete, comments will be forwarded to the EM NP.

Closed UGTA CAUs – The BFF received the draft Calendar Year 2019 UGTA Annual Sampling Report for the NNSS. After review, comments were sent to the EM NP towards the end of the quarter.

Staff reviewed proposed outlines for the Annual Post-Closure Monitoring Data Letter Report for UGTA CAUs and the Six-Year Monitoring Report for the Yucca Flat / Climax Mine and Rainier Mesa / Shoshone Mountain CAUs.

Meetings and Presentations:

CAU 98 – Frenchman Flat – Staff participated in a virtual meeting to discuss closure requirements for groundwater monitoring in this CAU.

CAU 99 – Rainier Mesa / Shoshone Mountain – Staff participated in a phone call concerning sampling of Well ER-30-1 in regard to closure of this CAU.

CAU 101/102 – Pahute Mesa (PM) – NDEP staff participated in a virtual meeting for the Pahute Mesa Data Completeness Presentation #6. As this was an established milestone, a Notice of Completion request was received from the EM NP on September 28, 2020.

Staff also participated in a conference call to discuss Uranium isotopes present in the groundwater at Pahute Mesa. This discussion will be ongoing as staff will be reviewing Safe Drinking Water Standards for Uranium as background for further discussions.

General:

Use Restrictions (URs) – Staff continued to interact with EM NP and their contractors on needed modifications to current URs, including requesting additional information and reviewed documentation concerning downgrading or removing UR for several CAUs and approved the modifications.

File Management – This quarter, staff have continued to organize, complete, scan for electronic storage, and document files for CAUs 97, 98 and 99.

Nevada Off-Sites

There are four (4) Nevada Off-Sites CAUs, two (2) Surface CAUs (CAU 416 and 417) and two (2) Subsurface CAUs (CAU 443 and 447). CAU 416 has been clean-closed. CAU 417 is in Post-Closure Monitoring. CAU 443 is in the Closure Stage. CAU 447 neared the Closure Stage this quarter.

During this quarter, BFF staff participated in the process of document review, project evaluation and/or conference calls with Office of Legacy Management (OLM) personnel for two (2) of the CAUs in the following ways:

Document Reviews and Letters:

CAU 443 – Project Central Nevada Test Area (CNTA) - NDEP received notification of the August 2020 Environmental Sampling event at this CAU.

CAU 447 – Project Shoal Area (PSA) - Staff received and reviewed the Final Closure Report for the Project Shoal Area: Subsurface Corrective Action Unit 447 Shoal, Nevada, Site this quarter. Following discussion with OLM staff on two minor comments, the comments were transmitted in an October 12, 2020, letter. A revised final report will be issued by OLM in the next quarter.

Staff began reviewing the Draft 2019 Groundwater Monitoring Report Subsurface: Corrective Action Unit 447 Shoal, Nevada, Site.

Meetings and Presentations:

CAU 443 – Project Central Nevada Test Area (CNTA) - NDEP staff participated in a teleconference with OLM and their contractors concerning a CNTA sampling well with a bailer stuck in the well.

Miscellaneous:

The chief participated in monthly NDEP Attorney General staff meetings, bi-weekly Division-Wide Chief's Staff Meetings and bi-weekly meetings with the Administrator via conference calls in July, August and September 2020.

During this quarter, the bureau chief also attended/participated virtually in: (1) two local Intergovernmental Meetings and NNSAB meetings; (2) numerous calls for NGA's FFTF and the State, Tribal, Government Working Group (STGWG); (3) the Low-Level Waste Stakeholder's Forum Quarterly Meeting; (4) bureau staff meetings; (5) the annual RadWaste Summit as a panelist; (6) planning calls for the Annual Fall Combined Intergovernmental Working Group; (7) a meeting to discuss the future of the FFACO in regard to long-term stewardship; and, (8) submitted the annual FFACO fee request to EM NP.

Training:

Staff completed one-hour online training for NNSC COVID-19 Safe Work Protocols and thirty minutes of online Annual Counterintelligence Refresher Briefing.

Agreement in Principle (AIP) Functional Areas Summary – Grant #DE-NA0003295

1. On-Site Discharges

Water Pollution Control

Document Reviews and Site Inspections:

Water Pollution Control Permit GNEV 93001 – The Nevada Division of Environmental Protection’s Bureau of Federal Facilities (NDEP and/or BFF) staff reviewed the Fourth Quarter of State Fiscal Year (SFY) 2020 Quarterly Discharge Monitoring Report (QMR) received from the National Nuclear Security Administration/Nevada Field Office (NNSA/NFO). With the temporary waiver from the use of the calculated flow limit for the DAF sewage lagoon system as a permit limit, granted by the BFF in the first quarter of SFY 2016, the facilities at the Nevada National Security Site (NNSS) are in compliance with the current permit.

Following continued research and discussion of requirements with staff from the Bureau of Water Pollution Control, BFF staff held weekly meetings while updating the permit and expects to begin the public notice period for this renewal by the end of October 2020.

Water Pollution Control Permit GNEV 96021 – A request to reschedule the sampling of groundwater monitoring well ER-12-1 to coincide with required Underground Test Area sampling at this location was received and granted.

BFF staff reviewed the QMR for the Fourth Quarter of SFY 2020. The NDEP sent a letter stating the NNSA/NFO was compliant.

The Water Pollution Control Permit GNEV 96021 was due for renewal in October 2018. Due to a number of staffing changes in 2018, BFF personnel continue to revise a drafted permit for issuance.

Spills

No spills were reported this quarter.

Meetings

A water meeting was held via teleconference on September 17, 2020.

2. Ground Water Monitoring

There was no activity in this category during this quarter.

3. Air Quality Monitoring

There was no activity in this category during this quarter.

4. Low Level and Mixed Low-Level Waste Oversight

Conference Calls:

Staff participated in weekly Waste Acceptance Review Panel (WARP) meetings via teleconference during July, August and September 2020. Review panel members discussed waste profile comments and waste-specific compliance issues for generator-submitted low-level and mixed low-level radioactive waste profiles, along with Pre-Treatment Notifications, as they pertain to Nevada National Security Site Waste Acceptance Criteria (NSSWAC), Rev. 16-00, which became effective in February 2017. As applicable, BFF staff reviewed and provided comments on low-level radioactive waste and mixed waste profiles (for compliance with NNSSWAC, Rev. 16-00) and reviewed all comment responses submitted by the currently approved Low-Level Waste and Mixed Low-Level Waste generators.

Site Visits/Radioactive Waste Generator Facility Evaluations:

NDEP staff participated in four virtual tabletop waste verifications during this quarter. In-person waste surveillances and audits did not occur this quarter due to COVID-19 restrictions.

Waste Generators Violation Statuses:

CAU 577 – Area 5 Chromium-Contaminated Waste Disposal Cells – This CAU was created in March 2019 to address the closure of five (5) cells at the Radioactive Waste Management Complex at the NNSS that had received trivalent chromium-bearing waste in the past from Nuclear Fuel Services, located in Erwin, TN. BFF staff, received, reviewed and approved the Final Supplemental Environmental Project (SEP) Report that was required as part of a Settlement Agreement between the NDEP and the NNSA/NFO for the RCRA violation of disposing of the trivalent chromium-bearing waste in non-RCRA permitted cells at the NNSS. Annual recertification for a Chromium Exclusion requested by NFS was granted in a July 28, 2020 letter. On July 1, 2020, NNSA/NFO and EM NP personnel submitted a draft Corrective Action Decision Document/Corrective Action Plan for this CAU for Division of Environmental Protection, Bureau of Federal Facilities’ (NDEP and/or BFF) staff’s review and comment. BFF staff submitted comments to the EM NP on July 30, 2020.

Y-12 National Security Complex – BFF and NDEP personnel continued to work on a waste issue originating at the Y-12 National Security Complex (Y-12), located in Oak Ridge, on July 3, 2019, when NDEP was informed of a potential violation of RCRA Permit NEV HW0101. Specific details of events that occurred between July 3, 2019 and June 30, 2020 are provided in the four previous quarterly reports. During this quarter, BFF staff received and reviewed a Mediation Brief from the NNSA/NFO for the NDEP Finding of Alleged Violation issued on June 15, 2020, as well as additional information/documents related to the NDEP FOAV and Order. Staff also participated in weekly in-person negotiation meetings with NNSA/NFO and EM NP personnel and a number of internal NDEP TEAMS meetings in order to reach resolution of a number of waste program improvements.

Meetings/Calls:

Finding of Alleged Violation Mediation – NDEP participated in mediation meetings on July 27, and August 19 for the Y-12 incident described above. These meetings resulted in the creation of a subgroup to continue discussions and develop a resolution to present to the larger group. The subgroup meets weekly and will continue until a resolution has been agreed upon.

Calls with EM NP and/or NNSA/NFO and/or the DOE Headquarter Staff – BFF staff participated in briefings on: (1) the Enterprise-Wide Assessment; (2) the EA-31 Rollup Report; (3) the Waste Communication Plan; (4) the low-level waste Planning Document; and, (5) the semi-annual waste update.

5. Waste Management

Document Review / Letters Issued:

Staff reviewed and/or approved: (1) the NNSSS Quarterly Hazardous Waste Volume Report and Fee: Second Quarter Calendar Year (CY) 2020; (2) Nevada National Security Site Area 5 Asbestos Waste Disposal Reports for the Second Quarter of CY 2020 for Permits HW0101 and SW532; (3) Quarterly Progress Reports for Revegetation at CAU 111: Area 5 WMD Retired Mixed Waste Pits; (4) Area 23 Semi-Annual SWDS Report for the NNSSS - January 1, 2020 through June 30, 2020; (5) Uniform Hazardous Waste Manifests; (6) Visual Verification Inspections Under RCRA Permit NEV HW0101; and, (7) the NNSSS 2019 Data Report: Groundwater Monitoring Program, Area 5 RWMS, March 2019 received this quarter.

Meetings:

Classified Material Disposition – NDEP staff participated in a discussion regarding classified material and its disposition at the NNSSS. The NNSA/NFO informed NDEP there are some inconsistencies complex wide in the interpretation of what is meant by “sanitation” as defined in the Munitions Rule preamble and DOE Order 435.1. The NNSA/NFO informed NDEP that a complex-wide working group is being assembled and will work to standardize the interpretation of “sanitation.”

Conference Calls:

Asbestos Containing Pipe – BFF was asked by the NNSA/NFO’s M&O contractor if there were any concerns with using Close Tolerance Pipe Slurrification technique when replacing asbestos cement pipe for the potable water systems on the NNSSS. As BFF was not familiar with this technique, staff requested a meeting with the bureaus of Sustainable Materials Management and Safe Drinking Water to discuss any concerns and experiences with the proposed technique. Additional follow-up was conducted with the Bureau of Air Quality. BFF staff continue to discuss this subject with the M&O contractor.

6. Major Program Proposals

There was no activity in this category during this quarter.

7. Historic Preservation

Funding has been provided to the SHPO for historic reviews at DOE and/or the NNSS during the year.

8. Environmental Monitoring Program and Report

There was no activity in this category during this quarter.

9. Sampling

No sampling activities were conducted by the Bureau during this quarter.

10. Safe Drinking Water

Meetings

A water meeting was held via teleconference on September 17, 2020.

Fiscal Analysis:

Estimate of personnel resources used (FTE or hours)

The bureau of Federal Facilities is made up of a Bureau Chief, one supervisor, four technical staff and an administrative assistant. The AIP grant funds activities for each of these individuals. For the quarter, that represents approximately 3.0 FTEs based on a review of grant related activities.

Total expenditures for each task area

A total of approximately \$92,000 was spent during this quarter for AIP work. This is the most current figure available at this time and includes personnel, operating, information services, DOE and DOE oversight and purchasing costs.

Comparison of estimate to budgeted expenses:

Expenses this quarter were within the legislatively approved spending limits.

Miscellaneous:

The bureau received notification of the permanent closure of underground storage tank 6-CPHP-1 on the NNSS.

The chief participated in monthly NDEP Attorney General staff meetings, bi-weekly Division-Wide Chief's Staff Meetings and bi-weekly meetings with the Administrator via conference calls in July, August and September 2020.

During this quarter, the bureau chief also attended/participated virtually in: (1) two local Intergovernmental Meetings and NNSAB meetings; (2) numerous calls for NGA's FFTF and the State, Tribal, Government Working Group (STGWG); (3) the Low-Level Waste Stakeholder's Forum Quarterly Meeting; (4) bureau staff meetings; (5) the annual RadWaste Summit as a panelist; (6) planning calls for the Annual Fall Combined Intergovernmental Working Group; and, (7) submitted the annual Grant funding request to EM NP.

Training:

A new hire attended the first two virtual sessions of Permit Writers Training conducted by the Bureau of Water Pollution Control.