

**DATE:** October 11, 2021  
**TO:** Greg Lovato, Administrator  
**FROM:** Christine Andres, Chief, Bureau of Federal Facilities  
**SUBJECT:** Quarterly Report: July 1, 2021 to September 30, 2021

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## **FEDERAL FACILITY AGREEMENT AND CONSENT ORDER**

### **(FFACO) QUARTERLY REPORT**

This quarter saw a combination of teleworking by Nevada Division of Environmental Protection Bureau of Federal Facilities (NDEP or BFF) staff and more in-office work, following all State of Nevada COVID-19 pandemic protocols. The Department of Energy's Nevada Offices continued mostly teleworking this reporting period. Teleworking did continue to impact in-person meetings this quarter but field visits/in-person inspections were more frequent than during the past eighteen (18) months. However, it did not impact submittal and review of documents, reports, letter, virtual meetings or teleconferences, as noted below.

#### **Industrial Sites Activity**

At the end of September 2021, there were 1962 historical Corrective Action Sites (CASs) (out of 1970 total) that have been closed, with two (2) CASs in Corrective Action Unit (CAU) 114 and six (6) CASs in CAU 572 moved to active work.

The NDEP's BFF staff continued post-closure monitoring activities through report reviews, Use-Restrictions reviews, and post-closure inspections for a number of closed Industrial Sites on the Nevada National Security Site (NNSS), as well as the following activities:

#### **Document Reviews and Letters:**

**CAU 577** – BFF staff received the *Submittal of Draft Closure Report (CR) for Corrective Action Unit (CAU) 577: Area 5 Chromium Containing Waste Disposal Cells, Nevada National Security Site, Revision 0, August 2021* on August 2, 2021. BFF staff sent a comment letter to the Environmental Management Nevada Program (EM NP) on August 31, 2021. The *Final Closure Report (CR) for Corrective Action Unit (CAU) 577: Area 5 Chromium Containing Waste Disposal Cells, Nevada National Security Site, Revision 1, September 2021* was received from EM NP on September 15, 2021. A reply letter will be sent during the next quarter.

**Closed RCRA Sites** – BFF staff received the *Final Post-Closure Report for Closed RCRA CAUs on the NNSS for CY 2020, Revision 1, August 2021* on September 1, 2021, following review and correspondence on two sets of comment responses submitted by EMP NP for the original comments submitted in June 2021. Review of Revision 1 resulted in the discovery that one of BFF's original comments was not captured nor addressed fully. This resulted in EM NP issuing a *Final Post-Closure Report for Closed*

*RCRA CAUs on the NNSS for CY 2020, Rev. 2, September 2021* on September 30, 2021. A reply letter will be sent during the next quarter.

*Inspections:*

Staff accompanied EM NP and Navarro personnel on post-closure inspections of the following CAUs during this quarter: 5, 111, 140, 204, 366, 371, 374, 375, and 465. Field notes are generated for each site visit and added to the respective file.

*Meetings and Presentations:*

Staff participated in meetings regarding comments on the *Draft Closure Report (CR) for Corrective Action Unit (CAU) 577: Area 5 Chromium Containing Waste Disposal Cells, Nevada National Security Site, Revision 0, August 2021*

**Soils Activity Sites**

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

**Underground Test Area (UGTA) Activity**

There are five (5) UGTA CAUs, all of which are either in the Corrective Action Investigation Stage or in 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) CAUs in the following ways:

*Document Reviews and Letters:*

**CAU 98 – Frenchman Flat** – BFF staff reviewed the *CY 2020 Closure Monitoring Report for Corrective Action Unit 98: Frenchman Flat, Underground Test Area, Nevada National Security Site (NNSS), Nevada (January 2020-December 2020), Revision 0, June 2020*, received on June 14, 2021. Comments were submitted to EM NP in a letter dated July 6, 2021. The *Final Calendar Year (CY) Closure Monitoring Report for Corrective Action Unit 98: Frenchman Flat, Underground Test Area, Nevada National Security Site (NNSS), Nevada (January 2020-December 2020), Revision 1, August 2021*, was received on August 9, 2021. BFF staff reviewed the document and issued an approval letter on August 17, 2021.

**CAU 99 – Rainier Mesa / Shoshone Mountain** – BFF staff received the *Final Calendar Year (CY) 2020 Post-Closure Monitoring Report for Corrective Action Unit (CAU) 99: Rainier Mesa/Shoshone Mountain, Underground Test Area, Nevada National Security Site (NNSS), Nevada, Revision 1, July 2021*, on July 28, 2021. Following review, BFF issued an approval letter on August 2, 2021. The approval letter also included the Notice of Completion for meeting the established Milestone Deadline of April 30, 2021, for submittal to the NDEP of Revision 0 of this Report.

**CAU 101/102 – Pahute Mesa (PM)** – BFF staff reviewed the *Final Contamination Transport Parameters for the Groundwater Flow and Contamination Transport Model of Corrective Action Units 101 and 102: Central and Western Pahute Mesa, Nye County, Nevada, Revision 1, July 2021*, received on July 13, 2021. BFF issued a response to EM NP on July 23, 2021, stating that NDEP’s comments on Revision 0 of this supplemental document for the UGTA project had been satisfactorily addressed.

BFF staff received the document, *Review the Pahute Mesa Data Completeness Analysis, Revision 1* on September 8, 2021. BFF staff reviewed the document and determined that all of NDEP’s comments on Revision 0 on the *Pahute Mesa Data Completeness Analysis*, transmitted and discussed previously, had been satisfactorily addressed. Given the contents of this document, NDEP agreed that flow and transport modeling for CAUs 101 and 102 could begin and notified the EM NP of such in a September 15, 2021, letter.

BFF staff received the *Draft Unclassified Source Term and Radionuclide Data for Groundwater Flow and Contaminant Transport Model for CAUs 101 and 102: Central and Western Pahute Mesa, Nye County, Nevada, Revision 0, September 2021*, on September 30, 2021. This document is currently under review by BFF staff.

BFF staff received a *Request for the Notice of Completion for CAU 101: Central Pahute Mesa and CAU 102: Western Pahute Mesa Data Phase II Data Completion Presentation #7 Milestones*. This request is currently being processed by BFF staff.

BFF staff received and reviewed the slides for a presentation on the *Gross Alpha and Uranium Underground Test Area (UGTA) Activity Data Evaluation*, which is focused on the Pahute Mesa CAUs. BFF provided a response indicating that all of NDEP’s questions had been explained in the summary of the presentation slides.

#### Meetings and Presentations:

**CAU 101 and 102 – Pahute Mesa (PM):** Staff participated in the following meetings with EM NP during this quarter:

- a) Discussion on the *Final Contamination Transport Parameters for the Groundwater Flow and Contamination Transport Model of Corrective Action Units 101 and 102: Central and Western Pahute Mesa*.
- b) Comment resolution meeting to discuss the response to comments on the PM Data Completeness Document.
- c) PM Data Completeness Presentation #6 refresher and future drilling discussion.
- d) PM Data Completeness Presentation #7 and follow-up future drilling discussion.
- e) *Gross Alpha and Uranium Underground Test Area (UGTA) Activity Data Evaluation*.

Staff participated in a number of internal meetings regarding comments on the:

- a) *Contaminant Transport Parameters for the Groundwater Flow and Contaminant Transport Model of Corrective Action Units (CAUs) 101 and 102: Central and Western Pahute Mesa, Nye County, Nevada, Revision 0, April 2021*.
- b) *Request for Nevada Division of Environmental Protection (NDEP) Review of the Pahute Mesa Corrective Action Units (CAUs) Data for Completeness*.

- c) *Calendar Year (CY) 2020 Closure Monitoring Report for Corrective Action Unit (CAU) 98: Frenchman Flat, Underground Test Area (UGTA), Nevada National Security Site (NNSS), Nevada (January 2020-December 2020).*
- d) *UGTA sampling plan comment discussion.*
- e) *Pahute Mesa Future Drilling.*

**General FFACO Business:**

**Use Restrictions (URs)** – Staff continued to review and interact with the EM NP and their contractors on modifications to current URs. This included reviewing proposed comment responses for previously reviewed UR packets and participating in several Teams meetings to discuss needed changes. BFF also notified EM NP that until the Introduction for the Long-Term Monitoring Document is reviewed by NDEP, review of proposed Use Restrictions changes by NDEP is on hold. This is necessary to allow all NDEP reviewers to have a common understanding of the scope and contents of the full document.

**Affirmation Forms** – As the active investigation/remediation work under the FFACO nears completion, a Closure Affirmation Form project was undertaken by EM NP and their contractor, Navarro, to ensure that the documentation for the closure of each CAU identified in the FFACO, inclusive of its associated correction action sites, is complete in accordance with FFACO standards. Each Closure Affirmation Form requires acceptance through signature by the Bureau Chief. A number of forms were reviewed, commented on and/or accepted this quarter.

**FFACO Transition** – As the active investigation/remediation work under the FFACO nears completion, in addition to the Closure Affirmation Form project, DOE and NDEP has undertaken the FFACO Transition Project to ensure that any future steward of the NNSS will be aware of all post-closure monitoring requirements on the NNSS. The Bureau Chief represents NDEP on this working group.

**File Management** – This quarter, staff have continued to organize, complete, scan for electronic storage, and document files for FFACO sites.

**FFACO Milestones** – BFF staff received *the Distribution of Fiscal Year (FY) 2021+1 Milestone Chart and Listing Modifications to the FFACO* on September 16, 2021. BFF staff reviewed the letter, comparing it to the Fiscal Year (FY) 2021-2023 Planned FFACO Milestones and Due Dates letter NDEP sent to EM NP in May 2021. These established milestones included the Nevada Off-Sites CAUs, described below. A response letter for the FY 2021+1 letter was sent to EM NP on October 1, 2021.

**Final Calendar Year 2020 UGTA Annual Sampling Report** – BFF staff received the *Final Calendar Year 2020 UGTA Annual Sampling Report, NNSS, NV, Revision 0, August 2021* on August 16, 2021. BFF staff reviewed the report and sent a comment letter to EM NV on September 9, 2021. A response from EM NP has not yet been received.

**FFACO Fee Request for FY 2022** – On August 18, 2021, BFF sent a letter to DOE requesting the fee for FFACO Oversight Activities for FY 2022. An acknowledgement of this request was received on August 20, 2021.

### **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. CAUs 443 and 447 are in the Closure Stage.

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

#### **Document Reviews and Letters:**

**CAU 417 Central Nevada Test Area (CNTA) Surface** – BFF received the *Draft Postclosure Inspection and Monitoring Report, Surface Corrective Action Unit (CAU) 417, Central Nevada Test Area (CNTA), Nevada, Site* on September 20, 2021. This report is currently undergoing review. A response letter will be issued next quarter.

**CAU 443 – Central Nevada Test Area (CNTA) Subsurface** – BFF staff received the *August 2021 Environmental Sampling at the Central Nevada Test Area, Nevada, Site (Plan)* on August 5, 2021. BFF sent a response letter to LM on August 10 stating that the approach outlined in the Plan was in accordance with NDEP-approved *Closure Report, Central Nevada Test Area, Subsurface Corrective Action Unit 433, Revision No. 1, October 2018*.

BFF staff reviewed the *2020 Postclosure Groundwater Monitoring and Inspection Report, Central Nevada Test Area, Subsurface Corrective Action Unit 443* and submitted comments during a previous quarter. Comment responses were received from LM in a Record of Review (ROR) this quarter. The ROR was signed and returned by BFF. The comment responses will be reflected in the revised Report when received (some outstanding laboratory results are currently being awaited).

#### **Site Visit**

Staff accompanied LM personnel on a site visit of CAUs 417 and 443 during this quarter.

#### **Meetings:**

Staff participated in internal meetings regarding comments on the:

- a) *Status of CNTA documents*
- b) *Sampling Plan*

#### **Miscellaneous:**

The chief participated in monthly virtual 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 2021.

During this quarter, the bureau chief or the Bureau's Subject Matter Expert attended/participated virtually in: (1) two NSSAB Intergovernmental Meetings and two full NNSAB meetings; (2) numerous calls, Zoom Meetings and/or webinars as a member of the NGA's Federal Facilities Task Force (FFTF), the State, Tribal, Government Working Group (STGWWG), the Environmental Council of States (ECOS) and the Combined Intergovernmental Working Group (CIWG); (3) the Low-Level Waste Stakeholder's Forum Quarterly Meeting; and, (4) weekly/bi-weekly bureau staff meetings.

**Training:**

BFF staff completed the Las Vegas office Annual Safety Refresher Training.

**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 GNEV93001** – The Nevada Division of Environmental Protection’s (NDEP) Bureau of Federal Facilities (BFF) staff received the *Quarterly Monitoring Report for NNSS Sewage Lagoons, WPC Permit GNEV93001, April 1 through June 30, 2021*, on July 19, 2021. BFF staff reviewed the report and sent a response letter to the National Nuclear Security Administration/Nevada Field Office (NNSA/NFO) on July 22, 2021, acknowledging the limits set forth in the permit, 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, had been met for the quarter.

Permit GNEV93001 expired on August 5, 2020. The permit is currently administratively continued. BFF staff had previously submitted a draft copy of the permit to NNSA/NFO and their M&O contractor, Mission Support and Test Services, Inc. (MSTS), for comment prior to issuance for public review. NNSA/NFO and MSTS staff had several questions that required follow-up on BFF’s part. Final comment resolution meetings were held with MSTS on July 7 and July 29, 2021. The permit is currently under final review by BFF staff and it is anticipated it will go to public notice on November 1, 2021.

**Water Pollution Control Permit GNEV96021** – BFF staff received the *E-Tunnel Wastewater Discharge Permit Quarterly Monitoring Report WPC NEV 96021 Second Quarter 2021* on July 27, 2021. BFF reviewed the report and sent a response letter to NNSA/NFO on August 10, 2021, acknowledging the report was in compliance with the limits set forth in the permit.

BFF staff previously received, reviewed and submitted comments to the NNSA/NFO on the *E-Tunnel Wastewater Discharge Permit Quarterly Monitoring Report for Fourth Quarter 2020, Annual Summary Report for Calendar Year 2020 and Well ER 12-1 Groundwater Sampling Report, April 2021*. Response to Comments on the Report were received on August 12, 2021. BFF staff sent a letter to NNSA/NFO on August 26, 2021, accepting the comment responses.

Permit GNEV96021 expired on September 21, 2018. The permit is currently administratively continued. BFF staff reviewed the renewal application and background information on the E-Tunnel activities to gain knowledge and history on the permit. BFF staff is currently working on updating the permit to ensure it aligns with other BWPC/NDEP permits.

**On-Site Sewage Disposal System (OSDS)** – During a site visit to the Nevada National Security Site (NNSS) towards the end of 2020, BFF staff noted that the NNSS had multiple OSDS systems onsite. After internal discussions between BWPC and BFF, BWPC staff informed MSTS that permits were needed for all OSDSs located on the NNSS. BFF, BWPC, and MSTS had numerous meetings over the course of a few months to determine how to accurately permit these systems. MSTS submitted six (6) Notices of Intent (NOI) to BWPC for OSDS coverage under BWPC’s General Permit GNEVOSDS09 on August 31, 2021. BWPC is currently reviewing the NOIs and will be issuing the permits.

### Training

Training continued for newer BFF staff on NDEP Water Pollution Permits.

### Spills

No spills were reported this quarter.

### Meetings

- a) BFF staff attended the quarterly water meeting held via teleconference on September 21, 2021.
- b) BFF staff held numerous meetings with NNSA/NFO and MSTS personnel regarding the pond permit renewal and responding to comments on the draft pond permit. BFF staff also held meetings with BWPC to ensure consistency of permits.
- c) BFF staff held meetings with BWPC staff on OSDS permitting at the NNS.

## **2. Ground Water Monitoring**

BFF previously received, reviewed and issued comments on the *Transmittal of 2020 Data Report: Groundwater Monitoring Program, Area 5 Radioactive Waste Management Site*. The *Response to Comments* on the Report were received on August 5, 2021. BFF staff sent a response letter on August 17, 2021, accepting the comments.

## **3. Air Quality Monitoring**

This quarter BFF staff accompanied NDEP's Bureau of Air Pollution Control (BAPC) staff on an Air Quality Compliance Inspection on August 31 and September 1, 2021. Records were requested and reviewed by BAPC during previous quarters. During the inspection, BAPC staff viewed locations identified in the BAPC air permit. BAPC staff did not find any major compliance issues during the inspection.

## **4. Low Level and Mixed Low-Level Waste Oversight**

### Conference Calls:

Staff participated in weekly Waste Acceptance Review Panel (WARP) meeting via teleconference during July, August and September 2021. Review panel members discussed waste profile comments and waste-specific compliance issues for generator-submitted low-level radioactive (LLW) and mixed low-level radioactive (MLLW) 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 LLW and MLLW profiles (for compliance with NSSWAC, Rev. 16-00) and reviewed all comment responses submitted by the currently approved LLW and MLLW generators.



Profiles Reviewed:

Staff reviewed a total of fourteen (14) waste profiles and one (1) deviation request this quarter. Of those 14 profiles, seven (7) were for MLLW requiring disposal in the NDEP-issued RCRA landfill and seven (7) were strictly for LLW requiring disposal in DOE Order 435.1 LLW Cells. During this quarter, two of the 14 profiles were pulled by the generator for various reasons and are no longer under WARP review.

NNSSWAC Revision:

Staff reviewed the NNESS Waste Acceptance Criteria (NNSSWAC) Volume 1, Administrative Waste Acceptance Criteria, Phase 2 Final Draft, July 2021; the NNSSWAC Volume II, Technical and Regulatory Waste Acceptance Criteria, Phase 2 Final Draft, July 2021; and the NNSSWAC Review and Implementation Plan, Phase 2 Final Draft, July 2021, and, provided one-hundred and two (102) comments to the Environmental Management (EM) Nevada Program (NP) and their contractor. NDEP requested an additional review after the EM NP reconciles all generator and NDEP comments. The EM NP has granted this request and revised documents will be received next quarter.

Active Profiles:

There are currently 239 active profiles, comprised of 57 MLLW profiles, 25 LLW/Solid Waste profiles and 157 LLW profiles.

Waste Profile Analysis:

NDEP personnel developed tools to analyze radiological data, regulatory status, and waste profile lifecycle. These tools are being utilized in the development of a waste planning document and assessing the overall waste being disposed at the NNSS.

Site Visits/Radioactive Waste Generator Facility Evaluations:

**Surveillances** – BFF staff participated virtually in tabletop surveillances at the TRU Waste Processing Center, Oak Ridge, TN and Paducah Gaseous Diffusion Plant, Paducah, KY. BFF staff also participated in in-person surveillances at UT Battelle, LLC, Oak Ridge, TN and Idaho National Laboratory/Battelle Energy Alliance, LLC, Idaho Falls, ID.

**Audits** – BFF staff participated in one in-person audit at CH2M Hill B&W West Valley, LLC, West Valley, NY.

**Waste Generating Facility Visits** – Oak Ridge National Laboratory (ORNL) – BFF personnel toured the Spallation Neutron Source (SNS) and Irradiated Fuels Examination Laboratory (IFEL). The SNS and IFEL are two of the three facilities that contribute to low level waste (LLW) profile ORNL-ACTMETAL1, Revision 7. This profile is of particular interest to NDEP due to the higher radiation dose rates of the packages. This site visit provided NDEP a broader understanding of the waste generation process and experiments occurring at the SNS and IFEL.

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 (RWMC) at the NNSS that had received trivalent chromium-bearing waste in the past from Nuclear Fuel Services, located in Erwin, TN. BFF received the *Draft Closure Report (CR) for Corrective Action Unit (CAU) 577: Area 5 Chromium Containing Waste Disposal Cells, Nevada National Security Site (NNSS), Revision 0, Nevada, August 2021*. Comments on the Report were forwarded to the EM NP on August 31, 2021. The *Final Closure Report (CR) for Corrective Action Unit (CAU) 577: Area 5 Chromium Containing Waste Disposal Cells, Nevada National Security Site (NNSS), Revision 0, Nevada, September 2021* was received in mid-September and a response will be forwarded to the EM NP next quarter.

**Nuclear Fuel Services - CAU 577 – Area 5 Chromium-Contaminated Waste Disposal Cells** – At the beginning of this quarter, BFF issued the annual recertification for NFS' Conditional Chromium Exclusion after receiving the *Annual Request for Recertification for Conditional Exclusion for Chromium Exclusion dated May 8, 2019*.

**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. The NDEP was informed of a potential violation of RCRA Permit NEV HW0101 on July 3, 2019. Specific details of events that occurred between July 3, 2019, and September 30, 2021, are provided in the eight previous quarterly reports. A **Settlement Agreement and Administrative Order on Consent** was signed by the NDEP, NNSA/NFO and the EM NP on June 22, 2021, thereby initiating the implementation of 43 separate waste management improvements throughout the DOE complex. Eight (8) Technical Basis Documents (TBDs) by EM NP's EPS contractor, Navarro, are required by the Settlement Agreement, with specified due dates. The following six (6) TBDs were submitted to BFF staff for review and comment this quarter, meeting the deadlines for 60-day and 90-day deliverables:

- a) TBD A - Guidance for WARP Selection of Waste Verification Methods and Rates
- b) TBD B - Guidance for Selection of the LLW Profiles Subject to Enhanced Verification during the Two-Year Study
- c) TBD C - Guidance for WARP to Determine Profiles Subject to Split Sampling
- d) TBD D - Guidance for Determining when Verification Sampling is Required for Existing Waste Streams
- e) TBD E - Guidance for Setting the NNSSWAC Criteria for Scope of Waste Profiles
- f) TBD F - Guidance for Setting the NNSSWAC Requirements for Generator Waste Profile Certification and Recertification; Revised Waste Profile and Instructions; Revised Waste Profile Screening Guide and Updated Procedure, Assessment Program (updated Sections 6.5.1.2 and 6.5.1.3) to require in-depth profile reviews; modified checklist

The Draft revised NNSSWAC was also submitted and reviewed this quarter, as described above. A meeting on the status of required deliverables was held between NDEP, NNSA/NFO, EM NP, MSTs and Navarro.

BFF received a Close-Out of Order Actions Associated with the Finding of Alleged Violation letter from NNSA/NFO on July 8, 2021 and issued a response letter on July 14, 2021.

## 5. Waste Management

### Documents Reviewed/Letters Issued:

NNSA/NFO submitted a permit modification for Permit SW 532 on March 5, 2021. BFF held meetings with NNSA/NFO and internal meetings with BFF staff to address this permit modification request. BFF staff modified and issued the *Class III Solid Waste Disposal Site Permit SW 532* on July 9, 2021.

BFF staff received the *NNSS Quarterly Hazardous Waste Volume Report and Fee: Second Quarter Calendar Year 2021*, on July 13, 2021, and forwarded it to BFF fiscal staff for proper disbursement.

BFF staff reviewed the *Area 23 Semi-Annual Solid Waste Disposal Site (SWDS) Report for NNSS-January 1, 2021, through June 30, 2021*, received on July 13, 2021. BFF issued a response to NNSA/NFO on July 19, 2021, acknowledging that NNSA/NFO has satisfied the permit and regulatory requirement.

BFF staff reviewed the *NNSS Area 5 Asbestos Waste Disposal Report for Second Quarter of Calendar Year (CY) 2021 for Permit NEV HW0101* received on July 19, 2021. BFF issued a response to NNSA/NFO on July 22, 2021, acknowledging that NNSA/NFO has satisfied the permit and regulatory requirement.

BFF staff reviewed the *NNSS Area 5 Asbestos Waste Disposal Report for Second Quarter of Calendar Year (CY) 2021 for Permit SW 532* received on July 19, 2021. BFF issued a response to NNSA/NFO on July 22, 2021, acknowledging that NNSA/NFO has satisfied the permit and regulatory requirement.

BFF staff received a *Request to Remove Cell 20 from Permit SW 532 Class III SWDS* on July 22, 2021, from NNSA/NFO. On August 10, 2021, BFF responded to the letter by requesting a meeting with NNSA/NFO and EM NP to discuss the current status of Cell 20 (and Cell 21). This meeting was held on August 24, 2021. BFF staff responded to the July 22, 2021, letter on August 31, 2021, stating that as agreed to in the meeting, the request to remove Cell 20 from Permit SW 532 and add it to RCRA Permit NEV HW0101 will be held in abeyance at this time because these two permits are currently undergoing major modifications.

BFF staff received the *Response to Comments on the Nevada National Security Site (NNSS) Annual Summary/Waste Minimization Report, Calendar Year (CY) 2020, Resource Conservation and Recovery Act (RCRA) Permit Number NEV HW0101* on August 5, 2021. BFF staff sent a letter to NNSA/NFO on August 17, 2021, accepting the response to comments but detailing a few expectations in regards to monitoring.

BFF staff received a *Notice of Intent to Close Cell 19 and Schedule for Closure, Permit SW 532 for the Area 5 Class III Solid Waste Disposal Site* letter on August 19, 2021. BFF staff reviewed and responded to the letter on August 31, 2021, by reiterating the steps needed for closure.

BFF staff received and reviewed the *Certification for Closure of Cell 18* on August 30, 2021.

BFF staff received the *Final Post-Closure Report for Closed RCRA CAUs on the NNSS for CY 2020, Revision 1, August 2021* on September 1, 2021, following review and correspondence on two sets of comment responses submitted by EMP NP for the original comments submitted in June 2021. Review of Revision 1 resulted in the discovery that one of BFF's original comments was not captured nor addressed fully. This resulted in EM NP issuing a *Final Post-Closure Report for Closed RCRA CAUs on the NNSS for CY 2020, Rev. 2, September 2021* on September 30, 2021. A reply letter will be sent during the next quarter.

**Permit SW532 Inspection** – BFF staff conducted an annual inspection of waste cells covered under Permit Number SW532 in Area 5, Radioactive Waste Management Complex (RWMC), on June 9, 2021. Details of the inspection are in the last quarterly report. BFF issued the *2021 Annual Solid Waste Disposal Site Compliance Evaluation Inspection at the NNSS Site Report* on August 4, 2021.

**Annual Permit NEV HW0101 Compliance Evaluation Inspection** – BFF notified the NNSA/NFO on September 28, 2021, that the *2021 Annual Compliance Evaluation Inspection for RCRA Permit NEV HW0101 at the Nevada National Security Site by the Nevada Division of Environmental Protection* will be conducted on October 25-26, 2021.

Conference Calls/Meetings:

**DOE Semi-Annual Waste Coordination Leadership Meeting** – The semi-annual meeting was held as a hybrid meeting in September with NNSA/NFO, EM NP, EM Headquarters and NDEP personnel attending. Waste topics throughout the DOE complex were discussed, with special emphasis on those pertaining to Nevada.

**Waste Planning and Forecasting** – BFF personnel continue development of a waste planning and forecasting document outline to be discussed with the EM NP. BFF personnel met on August 8, 2021, and September 7, 2021, and it is anticipated that the next meeting with EM NP will occur in November to discuss progress on the proposed outline and report.

**EPA TSCA Inspection at the NNSS** – BFF staff participated in a pre-inspection meeting at the NFO with EPA Region IX inspectors, EM NP and MSTs personnel to discuss the scope of EPA's TSCA/Polychlorinated Biphenyls (PCB) inspection at the NNSS during this quarter.

Miscellaneous:

**Intergovernmental Information Request** – BFF personnel reviewed the Nevada Intergovernmental Information Request and DOE responses to the request. Based on those reviews, NDEP personnel identified three potential avenues for the EM NP to provide the information requested. NDEP will present these potential avenues in a future meeting with EM.

Inspections:

**Permit SW 13 097 02 Inspection** – BFF staff conducted an annual inspection of waste cells covered under Permit Number SW 13 097 02 in Area 6, on September 27, 2021, with NNSA/NFO and MSTs personnel in attendance. To prepare for the inspection, BFF staff requested through an August 25, 2021,

letter, received and reviewed all required documentation (daily and weekly inspection checklists and waybills) from MSTs one week prior to the inspection. One potential non-compliance and two areas of concern were identified. BFF staff are currently working on the official inspection report with an anticipated completion date by the end of November 2021.

**Permit SW 13 097 03 Inspection** – BFF staff conducted an annual inspection of waste cells covered under Permit Number SW 13 097 03 in Area 9, on September 27, 2021, with NNSA/NFO and MSTs personnel in attendance. To prepare for the inspection, BFF staff requested through an August 25, 2021, letter, received and reviewed all required documentation (daily and weekly inspection checklists and waybills) from MSTs one week prior to the inspection. Two areas of concern were identified. BFF staff are currently working on the official inspection report with an anticipated completion date by the end of November 2021.

**Permit SW 13 097 04 Inspection** – BFF staff conducted an annual inspection of waste cells covered under Permit Number SW 13 097 04 in Area 23, on September 27, 2021, with NNSA/NFO and MSTs personnel in attendance. To prepare for the inspection, BFF staff requested through an August 25, 2021, letter, received and reviewed all required documentation (daily and weekly inspection checklists and waybills) from MSTs one week prior to the inspection. Two areas of concern were identified. BFF staff are currently working on the official inspection report with an anticipated completion date by the end of November 2021.

**EPA TSCA Inspection at the NNSS** – The EPA Region IX conducted a field inspection and file review at the NNSS in regard to PCB disposal at the NNSS September 13 and 14, 2021. EPA's goal was to determine compliance with state and federal regulations in regard to PCB disposal. BFF staff accompanied EPA, NNSA/NFO, and contractors during the site inspection.

#### **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**

##### *Document Reviews and Site Inspections*

BFF and BSDW staff conducted a Level II Assessment at NNSS on July 28, 2021. Area 25, NV0004098 had a positive total coliform test result on July 8, 2021, and positive E-Coli test results on July 9, 2021.

The positive E-coli test results prompted the Level II Assessment. During the Assessment, BSDW and BFF staff inspected the locations of the positive test results and the entire distribution system in Area 25. BSDW and BFF staff did not determine the cause for the positive E-Coli tests. After internal discussion between BSDW, it was determined that the Level II Assessment should be downgraded to a site visit/inspection since the positive E-Coli and coliform tests were not taken for compliance purposes. No violations were issued for the positive test results.

BFF was copied on the following BSDW reports submitted by NNSA/NFO contractors. BFF reviewed the reports referenced above and had no comments.

- a) Third Quarter Disinfection Report for PWS NV0000360
- b) July 2021 Potable Water Truck Coliform Results for PWS NV0000360
- c) August 2021 Potable Water Truck Coliform Results for PWS NV0000360
- d) September 2021 Potable Water Truck Coliform Results for PWS NV0000360
- e) Total Trihalomethane and Haloacetic Acid Yearly Monitoring Report for Areas 23 and 6.
- f) Second Quarter Nitrate Nitrite Results for PWS NV0000360 & NV0004099
- g) Second Quarter Chlorine Residual for PWS NV0000360

Meetings:

- a) The quarterly water meeting was held via teleconference on September 21, 2021.
- b) Level II Assessment meeting with BSDW was held on July 13, 2021, in response to positive E-Coli test results from the Area 25 water system.
- c) Internal meetings with BSDW and BFF on various BSDW related questions.

Spills/Line Breaks

A line break was reported to BFF on July 19, 2021. The water line leak occurred near the Area 25 Central Support Fire Station. The affected area was isolated and repaired. After disinfection in accordance with AWWA C651, samples were collected on Thursday July 22 (Area 25 Line Break CSA Coliform Sample 1) and Friday July 23 (Area 25 Line Break Coliform Sample 2). Both samples were absent of coliform and the line was placed back in service.

**Fiscal Analysis:**

*Estimate of personnel resources used (FTE or hours)*

The bureau of Federal Facilities is made up of a Bureau Chief, one supervisor, one subject matter expert, three technical staff and an administrative assistant. The AIP grant funds activities for each of these individuals. For the quarter, that represents approximately 3.5 FTEs based on a review of grant related activities.

*Total expenditures for each task area*

A total of approximately \$125,360 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 oversight and purchasing costs.

*Comparison of estimate to budgeted expenses:*

Expenses this quarter were within the legislatively approved spending limits.

**Miscellaneous:**

The chief participated in monthly virtual 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 2021.

During this quarter, the bureau chief or the Bureau's Subject Matter Expert attended/participated virtually in: (1) two NSSAB Intergovernmental Meetings and two full NNSAB meetings; (2) numerous calls, Zoom Meetings and/or webinars as a member of the NGA's Federal Facilities Task Force (FFTF), the State, Tribal, Government Working Group (STGWG), the Environmental Council of States (ECOS) and the Combined Intergovernmental Working Group (CIWG); (3) the Low-Level Waste Stakeholder's Forum Quarterly Meeting; and, (4) weekly/bi-weekly bureau staff meetings.

**Training:**

BFF staff completed the Las Vegas office Annual Safety Refresher Training.