

**DATE:** January 8, 2020  
**TO:** Greg Lovato, Administrator  
**FROM:** Christine Andres, Chief, Bureau of Federal Facilities  
**SUBJECT:** Quarterly Report: October 1, 2019 to December 31, 2019

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

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

#### **Industrial Sites Activity**

At the end of December 2019, 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.

CAU 577, Area 5 Chromium-Contaminated Waste Disposal Cells, was created in March 2019 to address the closure of five (5) cells at the Radioactive Waste Management Complex at the Nevada National Security Site (NNSS).

Meanwhile, post-closure monitoring activities (report reviews, meetings and site visits) continued for a number of closed Industrial Sites on the NNSS, as well as the following activities:

**CAU 111 and Tribal Interaction** – BFF staff reviewed the quarterly revegetation effort status letter report.

**CAU 400** – BFF staff agreed to a request to “Implement Changes to the Inspection and Maintenance Practices at CAU 400: Bomblet Pit and Five Points Landfill on the Tonopah Test Range (TTR).”

**CAU 577 – Area 5 Chromium-Contaminated Waste Disposal Cells** – As stated above, 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. During this quarter, BFF staff attended several meetings to discuss comments on, and the organization of, the Corrective Action Decision Document/Corrective Action Plan (CADD/CAP) for this CAU. A letter on the organization and contents of the CADD/CAP was sent to the NNSA/NFO.

### **Soils Activity Sites**

At the end of December 2019, all of the Soil CASs, a total of 144, have been closed. Active remediation of the one (1) remaining CAS/CAU at the beginning of this quarter, CAU 414, was completed this quarter. At the start of 2020, all identified Soils Sites have been addressed under the FFACO.

#### **Document and/or Letter Reviews:**

**CAU 414 – Clean Slate III** – Comments were provided by NDEP to the EM NP on the Draft Closure Report (CR) received at the end of last quarter. A comment resolution meeting was attended and the Final CR was approved mid-December 2019.

A request to resume using the Area 3 disposal site, in “cold standby” for a number of years, for contaminated soil and debris from this CAU was granted by NDEP in the first quarter of SFY 2019. NDEP had requested an operational history of the Area 3 Landfill. A draft history was previously provided by the DOE and NDEP comments were submitted after review. Responses were received and reviewed and NDEP received the final document last quarter. NDEP issued a letter this quarter stating that all questions and comments had been satisfactorily addressed.

#### **Site Visits:**

**CAU 411 – Double Tracks** – BFF staff participated in a site visit with EM NP contractors to verify closure parameters of this CAU.

#### **Site Inspections:**

**Post-Closure Monitoring** – BFF conducted non-RCRA post-closure monitoring activities.

### **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 site visits for four (4) of the five (5) the CAUs in the following ways:

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

**CAU 97 – Yucca Flat** – Staff reviewed and approved requests for acceptance from the EP NP on the Contaminant Boundaries, Regulatory Boundaries, Final Use Restrictions and the Monitoring Network and Sampling Plan for post-closure monitoring.

**CAU 99 – Rainier Mesa/Shoshone Mountain (RM/SM)** – The Draft Rainier Mesa Closure Report (CR), Rev. 0 was received, reviewed by staff and comments were provided to the EM NP. Revision 1 of the CR was received and reviewed and comments were submitted in early 2020.

**CAU 101/102 – Pahute Mesa (PM)** – BFF issued a letter approving the Sampling Plan for this CAU and a Notice of Completion for the Data Completion Presentation #5 Milestone.

Meetings and Presentations:

**CAU 97 – Yucca Flat** – Prior to approvals of the requests from EM NP for acceptance of the Contaminant Boundaries, Regulatory Boundaries, Final Use Restrictions and the Monitoring Network and Sampling Plan for post-closure monitoring, staff attended meetings with EM NP personnel and their contractor to discuss particulars of each of these requests.

**CAU 99 – Rainier Mesa/Shoshone Mountain (RM/SM)** – Staff attended meetings with EM NP and contractor staff to discuss BFF’s comments on the Draft Closure Report, Revision 0 and long-term monitoring plans in anticipation of the Final CR being submitted to BFF.

General:

**Final Calendar Year 2018 Underground Test Area (UGTA) Annual Sampling Report** - Staff reviewed and commented on this document and provided input on a ROTC for this Report last quarter. The Final document was approved early this quarter.

**Final Underground Test Area (UGTA) Calendar Year (CY) 2018 Quality Assurance Report, NNSS, NV, Revision 0** – Staff reviewed and accepted this document, providing one comment to be considered for future reports.

**UGTA Groundwater Open House** – The BFF supervisor participated in DOE’s Groundwater Open House held in Beatty, NV in October, representing NDEP.

**Use Restrictions (URs)** – Staff continued to participate in meetings with EM NP and their contractors to discuss and implement needed modifications to current URs. A meeting with NDEP, EM NP and Mission Support and Testing Services personnel was held to discuss the Defense Threat Reduction Agency’s (DTRA) Use Restriction (UR) proposed FFACO boundaries. ROTCs for DTRA’s UR boundaries and for various other CAUs were reviewed by NDEP staff during this quarter with comments provided to EM NP staff.

**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 is in the final aspects of the CADD/CAP Stage.

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

Document Reviews and Letters:

**CAU 417 – Central Nevada Test Area (CNTA)** – BFF received and reviewed the Draft Post-Closure Inspection and Monitoring Report for this CAU and provided comments on the report.

**CAU 447 – Project Shoal Area (PSA)** - A request for approval to proceed to the Closure Report for this CAU was received, reviewed and approved.

**Miscellaneous:**

The chief attended the NDEP Attorney General and Division Staff Meetings in Carson City on October 21 and November 4, 2019. While in Carson City for the meetings, various other bureau business was conducted, including meeting with the administrator and fiscal staff. Other staff meetings were participated in via conference call by the Bureau Chief or Supervisor.

During this quarter, the bureau chief or supervisor attended/participated in: (1) one local Intergovernmental Meeting and NNSAB meeting and the annual NNSAB new member tour of the NNSS; (2) numerous planning calls for NGA's FFTF, the State, Tribal, Government Working Group (STGWG), and Intergovernmental 2019 Meetings; (3) the 2019 DOE Intergovernmental Meeting in Nashville, TN; (4) bi-weekly calls with the Administrator; (5) a meeting with the Administrator on DOE's Greater-than-Class C document; (6) a bureau staff meeting; and, (7) meetings and site visits in regards to relocating the Las Vegas Office.

**Training:**

Staff completed their two-part OSHA physicals.

Staff participated in Active Shooter Training.

Staff completed the annual online Counterintelligence Refresher Briefing training.

Staff completed the annual online Security Refresher Briefing 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 GNEV 93001** – The Nevada Division of Environmental Protection’s Bureau of Federal Facilities (NDEP and/or BFF) staff reviewed the First 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.

BFF staff researched information, discussed and had numerous interactions with staff from the Bureau of Water Pollution Control in regards to the NNSA/NFO submitting design information for the construction of new sewage lagoons at their U1a facility on the NNSS.

**Water Pollution Control Permit GNEV 96021** – BFF staff reviewed the QMR for the First quarter of SFY 2020. 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. It should be issued in the third quarter of SFY 2020.

**Spills**

Two spills were reported this quarter.

One spill was renewable diesel fuel (R100) in Area 26 Test Bed 2 on the NNSS. Staff did research on R100. A final spill report was received and reviewed. Land Use Restrictions (URs) for the impacted area were requested by BFF due to the limitations present preventing clean closure. The URs and corrective actions were accepted at the end of the quarter.

The second spill was an overflow event at the Area 6 Tweezer Road lift station. Information and submitted reports were reviewed and the corrective actions were accepted by BFF.

**USTs**

The NNSA/NFO requested continuation of the temporary closure of an UST located at the Control Point on the NNSS. This request was reviewed and approved, with conditions for actions to be performed in 2020.

*Meetings:*

A water meeting at the NNSS was attended on December 5, 2019.

## **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 in person and/or via teleconference during October, November and December 2019. Review panel members discussed waste profile comments and waste-specific compliance issues for generator-submitted low-level and mixed low-level radioactive waste profiles 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 twenty-five (25) 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 the following radioactive waste generator facility preparatory meetings and surveillances/audits: Battelle Energy Alliance, Idaho Falls, ID; Consolidated Nuclear Security, LLC at Pantex, Amarillo, TX; Los Alamos National Laboratory, Los Alamos, NM; and, UT Battelle, LLC, Oak Ridge, TN.

Staff participated in a waste packaging verification at the Tonopah Test Range.

### *Meetings/Conferences:*

On July 3<sup>rd</sup>, the Department of Energy (DOE) informed NDEP of a potential violation of RCRA Permit NEV HW0101. Y-12 National Security Complex (Y-12), located in Oak Ridge, TN had been shipping Classified Depleted Uranium Metal (Waste Profile – BWXTDUM020001) to the NNSS. It was said that this waste stream may contain a reactive material. In a letter dated July 5<sup>th</sup>, the Nevada's Governor's Office issued a request to the DOE Secretary of Energy for specific information on this waste stream. DCNR and DEP personnel participated in a briefing with Nevada's Governor and staff and NNSA and Environmental Management staff on July 9<sup>th</sup>. On July 10<sup>th</sup>, DOE submitted a response to the July 5<sup>th</sup> letter. Briefings were given to local stakeholders by NDEP in the ensuing days. The Radioactive Waste Acceptance Panel issued a Finding to Y-12 for a WAC violation. NDEP also reached out to EPA Region 9 and briefed them of the situation, anticipating the national agency may be able to request information of the Tennessee facility, if needed, or aid in waste determination. NDEP issued an official Information Request letter to DOE/Y-12 and received a partial response on the due date, five days later. Supplemental information continued to be received and reviewed by BFF throughout August and September and this quarter. Staff from BFF participated in numerous phone calls and meetings

with DOE and Y-12 personnel, including onsite briefings at Y-12 on August 14 and September 10, 2019. BFF staff also participated in a NNSS site visit with the Governor and staff on August 1<sup>st</sup>. On August 28<sup>th</sup>, NDEP personnel began participating in weekly calls with DOE and Y-12 personnel to exchange information and have questions answered. The weekly calls continued into late November, when they became bi-weekly calls. BFF and NDEP personnel continue to review documentation provided by the DOE/Y-12 and have internal discussions in order to make a determination as to whether there has been a violation of RCRA Permit NEV HW0101.

## **5. Waste Management**

### *Document Review / Letters Issued:*

Staff reviewed and/or approved: (1) the NNSS Quarterly Hazardous Waste Volume Report and Fee: Third Quarter Calendar Year (CY) 2019; (2) Nevada National Security Site Area 5 Asbestos Waste Disposal Reports for the Third Quarter of CY 2019 for Permits HW0110 and SW532; (3) Quarterly Progress Reports for Revegetation at CAU 111: Area 5 WMD Retired Mixed Waste Pits; (4) Clarification of Engineering Design for Closure of Cell 18; (5) Asbestos Shipping Documents; (7) Waste Volume Report for the Area 3 Radioactive Waste Management Site and for the Area 5 Radioactive Waste Management Complex at the NNSS for Fiscal Year 2019

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### *Meetings and Conference Calls:*

**EPA Grant #97958818 State Fiscal Year 2019 End-of-Year Evaluation** – BFF personnel participated in the end of year evaluation discussion.

**Y-12 Conference Calls** – Staff participated in weekly conference calls with NNSA/NFO & EM NP.

**PCB Discussion** – NDEP personnel met with NNSA/NFO and EM NP to discuss their concerns with PCB regulation interpretations and its potential effect on PCB disposal at the NNSS.

**NEV HW0101 Permit Renewal** – NDEP personnel met with NNSA/NFO and EM NP to discuss the permit renewal process for 2020.

**Possible New Water Supply Well** – Staff participated in a conference call with NNSA/NFO and EM NP personnel to discuss the possibility of siting a new water supply well in Area 6 of the NNSS for NNSA operations.

**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**

*Inspections:*

Staff conducted the annual water hauler inspection in November 2019 and issued an inspection report/letter.

*Meetings*

A water meeting at the NNSS was attended on December 5, 2019.

**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 \$120,000 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.

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