

DATE: October 10, 2019
TO: Greg Lovato, Administrator
FROM: Christine Andres, Chief, Bureau of Federal Facilities
SUBJECT: Quarterly Report: July 1, 2019 to September 30, 2019

FEDERAL FACILITY AGREEMENT AND CONSENT ORDER

(FFACO) QUARTERLY REPORTS

Industrial Sites Activity

At the end of September 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 activity:

CAU 111 and Tribal Interaction – BFF staff reviewed the quarterly revegetation effort status letter report. In conjunction with observing the revegetation efforts and results at this historic waste disposal site on September 17, 2019, staff met with Consolidated Group of Tribes and Organizations (CGTO) tribal representatives working on the revegetation effort to discuss progress and a path forward. This type of tribal contact is anticipated to continue on a quarterly basis.

CAU 111 – BFF staff also conducted post-closure monitoring activities at this CAU.

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 Nevada National Security Site (NNSS) that had received trivalent chromium-bearing waste in the past. During this quarter, BFF staff attended a closure meeting for this CAU, began review of the Corrective Action Decision Document/Corrective Action Plan (CADD/CAP) and established a milestone deadline for the Final CADD/CAP.

Soils Activity Sites

At the end of June 2019, there were 143 Soil CASs (out of a total of 144) that have been closed. Active remediation of the one (1) remaining CAS/CAU, CAU 414, was completed this quarter.

Document and/or Letter Reviews:

CAU 414 – Clean Slate III – The remediation field work, which began in August 2018, was completed by the end of CY 2019. Following BFF approval of an EM NP request to extend the milestone deadline due to weather and equipment delays in the field, a Draft Closure Report was received at the end of this quarter. Review comments will be provided to the EM NP in the next quarter.

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 this quarter.

Site Visits:

Tonopah Test Range (TTR) – BFF staff participated in a three-day Executive Legacy Management tour of select closed sites on the TTR in anticipation of all TTR CASs being transferred to the Office of Legacy Management (OLM) by the end of FFY2020.

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 the five (5) the CAUs in the following ways:

Document Reviews and Letters:

CAU 97 – Yucca Flat – Staff reviewed Revision 0 of the Model Evaluation Report and sent comments to the EM NP. Following review of Revision 1 of this Report, a letter was issued to the EM NP approving Revision 1 as Final. An approval letter was issued for proceeding to the Closure Stage for this CAU according to the UGTA FFACO Strategy.

CAU 98 – Frenchman Flat – Staff reviewed the Final Calendar Year (CY) 2018 Annual Closure Monitoring Report for this CAU and accepted the document as final.

CAU 99 – Rainier Mesa/Shoshone Mountain (RM/SM) – A request for approval of the regulatory boundaries for this CAU was received from the EM NP program at the end of last quarter and approved by BFF staff this quarter. In the approval letter, the Regulatory Boundary Objectives were also included.

A request for concurrence on the final use restriction (UR) boundaries for this CAU was received from the EM NP program and accepted by BFF.

The Draft Rainier Mesa Closure Report, Rev. 0 was received, reviewed by staff and draft comments were provided to the EM NP.

CAU 101/102 – Pahute Mesa (PM) – BFF issued a Notice of Completion for meeting a milestone for the Closure Path Forward document.

Well Specific Fluid Management Strategy letters were reviewed and approved for UGTA Wells U-20n PS 1D and UE-20n 1 in this CAU.

Meetings and Presentations:

CAU 97 – Yucca Flat – Staff attended meetings with EM NP personnel and their contractor to discuss: (1) Model Evaluation Report comments and (2) Contaminant, Regulatory and Use Restrictions boundaries and a long-term monitoring plan in anticipation of closure of this CAU.

CAU 99 – Rainier Mesa/Shoshone Mountain (RM/SM) – Staff attended meetings with EM NP and contractor staff to discuss: (1) movement to Closure of this CAU and (2) BFF’s draft comments on the Draft Closure Report in order to arrive at comment resolutions and long-term monitoring plans before a Final Closure Report is submitted to BFF.

CAU 101/102 – Pahute Mesa - Staff attended the Pahute Mesa Phase II Data Completeness Presentation #5 and a Preemptive Review Committee model review meeting.

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.

Use Restrictions (URs) – Staff continued to participate in meetings with EM NP and their contractors to discuss and implement needed modifications to current URs. Staff reviewed two sets of ROTCs for closure reports that included changes in the use restriction (UR) language for numerous CASs. A meeting was held to discuss comment resolution to the first set of ROTCs. This set has not been finalized.

Technical Information Exchange – Staff attended the Technical Information Exchange (TIE) at Desert Research Institute which consisted of posters prepared by the DOE contactors presenting their ongoing UGTA work.

FFACO – Discussions between all the signatories of the FFACO began in February 2019 and continued through this quarter regarding planning and recording needed long-term stewardship activities following the eventual completion of active remediation work under the FFACO on both the TTR and the NNSS.

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 the two (2) Subsurface CAUs in the following ways:

Document Reviews and Letters:

CAU 443 – Central Nevada Test Area (CNTA) – BFF received and reviewed the Final 2018 Post-Closure Groundwater Monitoring and Inspection Report and accepted this document as final.

CAU 447 – Project Shoal Area (PSA) – Staff received and reviewed the Addendum to the Corrective Action Decision Document/Corrective Action Plan (CADD/CAP) for the PSA. This document was accepted as final by NDEP. The deadline for submission of the Closure Report for this CAU was extended and the 2018 Groundwater Report was reviewed and accepted.

CNTA and PSA – BFF staff participated in a three-day Executive Legacy Management tour of these two sites with LM-1 in anticipation of all TTR CASs being transferred to the Office of Legacy Management (OLM) by the end of FFY2020.

Miscellaneous:

The chief attended the Division Staff Meeting in Carson City on July 29, 2019. While in Carson City for the meeting, various other bureau business was conducted, including meeting with the administrator and fiscal staff. Other staff meetings on July 1, August 5 and 19 and September 16, 2019 were participated in via conference call by the Bureau Chief or Supervisor.

During this quarter, the bureau chief or staff attended/participated in: (1) a low-level waste stakeholders forum meeting in Pahrump, NV; (2) two local Intergovernmental Meetings and NNSAB meetings; (3) numerous planning calls for NGA's FFTF, the State, Tribal, Government Working Group (STGWWG), the Environmental Council of States (ECOS) and Intergovernmental 2019 Meetings; (4) the Annual Cleanup Workshop in Washington, D.C.; (5) an ECOS/DOE/EPA Dialogue meeting in Paducah, KY; (6) bi-weekly calls with the Administrator; (7) a meeting with the Administrator on DOE's re-interpretation of high-level waste; (8) a bureau staff meeting; and, (9) meetings and site visits in regards to relocating the Las Vegas Office.

The Bureau is continuing file input and verification in the Documentum System.

Training:

Staff completed online Sexual Harassment training.

Staff participated in Las Vegas Office Annual Safety 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 Fourth Quarter of State Fiscal Year (SFY) 2019 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 (NNS) are in compliance with the current permit.

Water Pollution Control Permit GNEV 96021 – BFF staff reviewed the QMR for the Fourth Quarter of SFY 2019. NDEP sent a letter stating the NNSA/NFO was compliant.

Staff observed E-Tunnel sampling activities and attended a water meeting at the NNS on September 12, 2019.

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.

Staff reviewed, researched and discussed regulations pertaining to new sewage lagoons the NNSA/NFO is proposing for the U1A location on the NNS.

Spills

No spills were reported this quarter.

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 July, August and September 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 low-level radioactive waste and

mixed waste profiles (for compliance with NNSWAC, 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: Nuclear Fuel Services, Oak Ridge, TN; Los Alamos National Laboratory, Los Alamos, NM; and, PermaFix, Oak Ridge, TN.

Staff attended a meeting to discuss a risk-informed spreadsheet approach for selection of Facility Evaluations.

Meetings/Conferences:

On July 3rd, 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 NNS. It was said that this waste stream may contain a reactive material. In a letter dated July 5th, 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 9th. On July 10th, DOE submitted a response to the July 5th 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. 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 NNS site visit with the Governor and staff on August 1st. On August 28th, NDEP personnel began participating in weekly calls with DOE and Y-12 personnel to exchange information and have questions answered. 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 NNS Quarterly Hazardous Waste Volume Report and Fee: Second Quarter Calendar Year (CY) 2019; (2) Nevada National Security Site Area 5 Asbestos Waste Disposal Reports for the Second 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) Notification of Closure of RCRA Cell 18; (5) Area 23 Semi-Annual Solid Waste Disposal Site (SWDS) Report for the NNS - January 1, 2019 through June 30, 2019; (6) Asbestos Shipping

Documents; (7) Fifteen-Day Notification Report, RCRA Permit NEV HW0101; and (8) Operational History of the Area 3 Radioactive Waste Management Site at the NNSS.

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. During this quarter, BFF staff attended a closure meeting for this CAU, began review of the Corrective Action Decision Document/Corrective Action Plan (CADD/CAP) and established a milestone deadline for the Final CADD/CAP.

Meetings and Conference Calls:

Tribal Revegetation Committee (TRC) – BFF Personnel met with the TRC and discussed progress on revegetating the CAU 111 cover on September 17, 2019.

EPA inspection of RWMC – Staff participated in a conference call with EPA regarding the scheduled inspection of the RWMC in August 2019.

Cell 18 Closure – BFF Personnel met with the NNSA/NFO’s contractor to discuss the closure of Cell 18 and vegetative covers.

Site Inspections:

Post-Closure Monitoring – BFF conducted post-closure monitoring activities at CAU 111. At CAU 111, BFF personnel observed TRC personnel conducting vegetation monitoring activities.

EPA inspection of Radioactive Waste Management Complex (RWMC) – BFF Personnel observed an EPA inspection on August 13 and 14, 2019.

Explosive Ordnance Disposal Unit (EODU) – Staff observed planned operations at the EODU on September 18, 2019.

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

Training:

Staff attended Drinking Water Webpage training.

A water meeting at the NNSS was attended on September 12, 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.

Miscellaneous:

The chief attended the Division Staff Meeting in Carson City on July 29, 2019. While in Carson City for the meeting, various other bureau business was conducted, including meeting with the administrator and fiscal staff. Other staff meetings on July 1, August 5 and 19 and September 16 were participated in via conference call by the Bureau Chief or Supervisor.

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