

DATE: July 17, 2020
TO: Greg Lovato, Administrator
FROM: Christine Andres, Chief, Bureau of Federal Facilities
SUBJECT: Quarterly Report: April 1, 2020 to June 30, 2020

FEDERAL FACILITY AGREEMENT AND CONSENT ORDER

(FFACO) QUARTERLY REPORT

Due to 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 teleworked this reporting period. The stay-at-home order impacted in-person meetings and field visits/in-person inspections this quarter. It 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 began for the needed remediation work on both of these CAUs during this quarter.

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). BFF staff attended a meeting to be updated on the status of the Supplemental Environmental Project (SEP) that was part of a Settlement Agreement between the NDEP and the NNSA/NFO for the RCRA violation of disposing of the trivalent chromium-bearing waste from Nuclear Fuel Services in Erwin, TN in non-RCRA permitted cells at the NNSS. On July 1, 2020, NNSA/NFO and EM NP personnel submitted a draft Corrective Action Decision Document/Corrective Action Plan for this CAU to NDEP, Bureau of Federal Facilities' (NDEP and/or BFF) staff for review and comment.

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:

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.

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. BFF staff attended a meeting to be updated on the status of the SEP that was part of the 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. On July 1, 2020, NNSA/NFO and EM NP personnel submitted a draft Corrective Action Decision Document/Corrective Action Plan for this CAU to the BFF for staff’s review and comment.

Post-Closure Inspection Report for Closed Non-RCRA CAUs on the NNSS – Staff reviewed the Draft Post-Closure Inspection Report for Calendar Year 2019 for Closed Non-RCRA CAUs on the NNSS and provided comments. The Final Report satisfactorily addressed the Bureau’s comments.

Post-Closure Inspection Report for the Tonopah Test Range (TTR) and Nevada Test and Training Range (NTTR) – Staff reviewed the Draft Post-Closure Inspection Report for the TTR and NTTR for Calendar Year 2019 and provided comments.

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 have 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 all of the five (5) the CAUs in the following ways:

Document Reviews and Letters:

CAU 97 – Yucca Flat – Staff received, and began review of, the *Final Closure Report (CR) for Corrective Action Unit 97(CAU 97): Yucca Flat/Climax Mine, Nevada National Security Site, Nevada, Revision 0, May 2020*. Staff reviewed earlier FFACO documents for this CAU in preparation for receipt and review of the CR.

CAU 98 – Frenchman Flat – Staff received, and began review of, the *CY2019 Annual Closure Monitoring Report for Corrective Action Unit 98: Frenchman Flat, Underground Test Area, Nevada National Security Site, Nevada (January 2019-December 2019), Revision 0, June 2020*.

CAU 99 – Rainier Mesa/Shoshone Mountain (RM/SM) – BFF staff issued an acceptance letter for the *Final Closure Report (CR) for Corrective Action Unit (CAU) 99: Rainier Mesa/Shoshone Mountain, Nevada National Security Site (NNSS), Nevada, Revision 1, March 2020* after the EM NP satisfactorily addressed comments on the Draft CR.

CAU 101/102 – Pahute Mesa (PM) – NDEP received, reviewed and submitted comments on, the *Pahute Mesa-Oasis Valley Hydrostratigraphic Framework Model for Corrective Action*

Units (CAUs) 101 and 102: Central and Western Pahute Mesa, Nye County, Nevada, Revision 0, March 2020.

Staff received, reviewed and provided comments on the *Update to the Phase II Corrective Action Investigation Plan (CAIP) for Corrective Action Units (CAUs) 101 and 102: Central and Western Pahute Mesa, Nevada National Security Site, Nye County, Nevada, Revision 1, June 2020*. A teleconference was then held to discuss the comments. A revised submittal will be received by NDEP early next quarter.

UGTA Quality Assurance Reports (QARs) – A Record of Technical Change was received and approved for the 2015, 2016 and 2017 QARs to add additional information to each of these reports.

Meetings and Presentations:

No Meetings or Presentations were held this quarter due to COVID-19 restrictions.

General:

FFACO Milestones – The BFF received the *Fiscal Year (FY) 2020 – FY 2022 Planned Federal Facility Agreement and Consent Order (FFACO) Milestones and Due Dates* from the EM NP in mid-April and replied back in early May with a letter establishing milestones and due dates for FFACO sites for FY2020-FY2022. These established milestones included the Nevada Off-Sites CAUs, described below.

Use Restrictions (URs) – Staff continued to interact with EM NP and their contractors on needed modifications to current URs, including requesting additional information.

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. The closure stage of CAU 477 has begun.

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 one (1) of the CAUs in the following ways:

Document Reviews and Letters:

CAU 447 – Project Shoal Area (PSA) - BFF staff participated in two conference calls with OLM personnel regarding the Draft Closure Report for this CAU.

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 April, May and June 2020.

During this quarter, the bureau chief also attended/participated virtually in: (1) one local Intergovernmental Meeting and NNSAB meeting; (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) a meeting with DOE's NNSS contractor, MSTS, and NDEP's Administrator; (5) bureau staff meetings; (6) the EM NP's Waste Generator Workshop; (7) the FFTF Spring Meeting; (8) planning calls for the Annual Fall Combined Intergovernmental Working Group; (9) FYs 2022-2023 budget planning; and, (10) meetings and site visits in regards to relocating the Las Vegas Office.

Bureau staff assisted staff in the Bureau of Mining Regulation and Reclamation, Reclamation Branch, on the use of the HYDRUS and GoldSim models.

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 Third 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 (NNS) are in compliance with the current permit.

BFF staff continued researching information and discussing with staff from the Bureau of Water Pollution Control and the NFO’s contractor at the NNS the renewal application submitted by the NFO for this permit, which expires in August 2020.

Water Pollution Control Permit GNEV 96021 – BFF staff reviewed the QMR for the Third Quarter of SFY 2020 and the Annual Report required under this permit. NDEP sent letters 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 virtually on June 11, 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) meeting via teleconference during April, May and June 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 two virtual tabletop waste verifications at the beginning of this quarter and offered comments on new DOE procedures for waste verifications at the individual generator sites by on-site personnel. In-person waste surveillances and audits did not occur this quarter due to COVID-19 restrictions.

Waste Generators Violation Statuses:

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 March 31, 2020 are provided in the three previous quarterly reports. During this quarter, BFF staff participated in a number of internal NDEP TEAMS meetings to discuss a path forward given all the information that has been reviewed. These meetings and reviews resulted in the issuance of a Finding of Alleged Violation to the NNSA/NFO on June 15, 2020 for violations of their Solid Waste Permit 532.

5. Waste Management

Document Review / Letters Issued:

Staff reviewed and/or approved: (1) the NNSS Quarterly Hazardous Waste Volume Report and Fee: First Quarter Calendar Year (CY) 2020; (2) Nevada National Security Site Area 5 Asbestos Waste Disposal Reports for the First 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) Review of Disposal Requirements for PCB Waste at the NNSS; (5) Submittal of Final Post-Closure Report for Closed RCRA CAUs NNSS, NV, For Calendar Year 2019, Revision 0, May 2020; (7) Uniform Hazardous Waste Manifests; (8) Application for Renewal of RCRA Permit NEV HW0101, EPA ID Number NV3890090001; and, (9) Request for Recertification of Chromium Exclusion Dated May 8, 2019 from Nuclear Fuel Services, Inc.

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 attended a virtual meeting to be updated on the status of the Supplemental Environmental Project (SEP) that was 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. 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.

Conference Calls:

Calls with EM NP and/or NNSA/NFO Staff and or the Nevada D.C. Delegation – BFF personnel participated in conference calls regarding: (1) waste shipments of converters from the Paducah Gaseous Diffusion Plant (PGDP); (2) the Record of Decision for DUF6 shipments from the PGDP and the Portsmouth Gaseous Diffusion Plant, and, (3) the results of a call between the NNSA/NFO and the EPA regarding the EPA RCRA Inspection conducted on August 13 and 14, 2019 at the NNSS.

NEV HW0101 Permit Renewal – NDEP personnel held a teleconference with NNSA/NFO and EM NP personnel to discuss the permit renewal process for this permit which expires in August 2020.

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 virtually on June 11, 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 \$97,000 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 of Federal Facilities had a new employee start mid-way through this quarter. This employee's primary duty this quarter was to read reports, permits, and technical documents related to Safe Drinking Water, Water Pollution Control, public water system inspections, and geology and hydrology of the Nevada National Security Site (NNSS). Documents included the Agreement in Principle (AIP), Federal Facility Agreement and Consent Order (FFACO), Safe Drinking Water Regulations, "How to Conduct a Sanitary Survey of Drinking Water Systems," "Sanitary Survey Guidance Manual for Ground Water Systems," Water Pollution Control Permit NEV 96021 (E-Tunnel), Water Pollution Control Permit GNEV 93001 (sewage lagoons), NNSS Waste Acceptance Criteria, McCoy's Hazardous Waste Seminars, "Nevada, NTS and E Tunnel Geology," and "Supporting Documents for NNSS Geology and Hydrology." Reading these documents gave the new employee the basis to become BFF's point person for Safe Drinking Water and Water Pollution Control activities on the NNSS. His training will continue throughout the coming months.

Recently, the BFF began the project of organizing and scanning for electronic storage all document files. During this quarter of teleworking, BFF's new employee also reviewed and organized office files pertaining to the NNSS' SDW and WPC activities. These files included permits, quarterly reports, and supporting documents related to E-Tunnel (96021), Sewage Lagoons (93001), and Safe Drinking Water.

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 April, May and June 2020.

During this quarter, the bureau chief also attended/participated virtually in: (1) one local Intergovernmental Meeting and NNSAB meeting; (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) a meeting with DOE's NNSS contractor, MSTS, and NDEP's Administrator; (5) bureau staff meetings; (6) the EM NP's Waste Generator Workshop; (7) the FFTF Spring Meeting; (8) planning calls for the Annual Fall Combined Intergovernmental Working Group; (9) FYs 2022-2023 budget planning; and, (10) meetings and site visits in regards to relocating the Las Vegas Office.