

2. COMPLIANCE SUMMARY

2.1 SUMMARY

DOE PORTS or the responsible DOE contractor (LPP or UDS) holds a permit for discharge of water to surface streams, several air emission permits, and a permit for the storage of hazardous wastes. The DOE is responsible for preparing a number of reports for compliance with environmental regulations. These reports include an annual groundwater monitoring report, an annual hazardous waste report, an annual PCB document log, an annual summary of radionuclide air emissions and the associated dose to the public from these emissions, a biennial fee report of specified non-radiological air emissions, a monthly report of National Pollutant Discharge Elimination System (NPDES) monitoring data, a quarterly radiological discharge monitoring report for NPDES outfalls, an annual hazardous chemical inventory, and an annual toxic chemical release inventory. Additional information on each of these reports is provided within this chapter.

USEC is responsible for compliance activities directly associated with the operations that are leased from the DOE, including air emission permits for uranium enrichment facilities, water discharge permits for several holding ponds and water treatment facilities, and management of wastes generated by current USEC operations.

DOE PORTS is inspected regularly by the federal, state, and local agencies responsible for enforcing environmental regulations at PORTS. DOE PORTS received one Notice of Violation during 2009. During a hazardous waste inspection on December 16, 2009, the Ohio Environmental Protection Agency (EPA) identified a deficiency in the paperwork required for one shipment of hazardous waste. The paperwork was immediately corrected and procedures for preparation and review of the documentation for hazardous waste shipments were revised to address these deficiencies. There was no environmental harm or risk to human health from the error in completing the hazardous waste shipment paperwork. Section 2.4.1 provides more information about this Notice of Violation.

2.2 INTRODUCTION

The DOE is responsible for the Environmental Restoration Program, Waste Management Program, Uranium Program, and operation of all facilities not leased to USEC. USEC is responsible for compliance activities directly associated with the operations that are leased from the DOE, including air emission permits for uranium enrichment facilities and water discharge permits for several holding ponds and water treatment facilities. USEC is also responsible for the management of wastes generated by current USEC operations.

DOE PORTS and/or DOE PORTS contractors (LPP or UDS) hold two NPDES permits for discharge of water to surface streams, several air emission permits, and a Resource Conservation and Recovery Act (RCRA) Part B permit for the storage of hazardous wastes. Appendix B lists the active DOE PORTS (LPP and UDS) environmental permits and registrations for 2009.

Several federal, state, and local agencies are responsible for enforcing environmental regulations at DOE PORTS. Primary regulatory agencies include the U.S. EPA and Ohio EPA. These agencies issue permits, review compliance reports, conduct joint monitoring programs, inspect facilities and operations, and oversee compliance with applicable regulations.

DOE PORTS conducts self-assessments to identify environmental issues and consults the regulatory agencies to identify the appropriate actions necessary to achieve and maintain compliance.

2.3 COMPLIANCE STATUS

This section discusses the DOE PORTS compliance status with respect to environmental laws and regulations, DOE Orders, and Executive Orders.

2.3.1 Environmental Restoration and Waste Management

This section discusses the DOE PORTS compliance status with U.S. EPA and Ohio EPA regulations pertaining to environmental restoration and waste management.

2.3.1.1 Comprehensive Environmental Response, Compensation, and Liability Act

DOE PORTS is not on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) National Priorities List of sites requiring priority cleanup. The U.S. EPA Administrative Consent Order, issued on September 29, 1989 (amended in 1994 and 1997), and Consent Decree with the State of Ohio, issued on August 29, 1989, require the investigation and cleanup of surface water and air releases, groundwater contamination plumes, and solid waste management units at PORTS. The U.S. EPA and Ohio EPA oversee environmental remediation activities at DOE PORTS under the RCRA Corrective Action Program and CERCLA Program.

PORTS was divided into quadrants based on groundwater flow patterns to facilitate the expedient cleanup of contaminated sites in accordance with RCRA corrective action and closure requirements. The Environmental Restoration Program at PORTS addresses requirements of the Ohio Consent Decree and U.S. EPA Administrative Consent Order. Chapter 3, Section 3.2, provides additional information on the Environmental Restoration Program.

Section 103 of CERCLA requires notification to the National Response Center if hazardous substances are released to the environment in amounts greater than or equal to the reportable quantity. Reportable quantities are listed in CERCLA and vary depending on the type of hazardous substance released. During 2009, DOE PORTS had no reportable quantity releases of hazardous substances subject to Section 103 notification requirements.

2.3.1.2 Emergency Planning and Community Right-To-Know Act

The Emergency Planning and Community Right-To-Know Act of 1986, also referred to as the Superfund Amendments and Reauthorization Act Title III, requires reporting of emergency planning information, hazardous chemical inventories, and releases to the environment. Emergency Planning and Community Right-To-Know Act reports are submitted to federal, state, and local authorities.

For emergency planning purposes, facilities must submit information on chemicals present on site above specified quantities (called the threshold planning quantity) to state and local authorities. When a new chemical is brought on site or increased to exceed the threshold planning quantity, information about the new chemical must be submitted to state and local authorities within three months. In December 2009, LPP notified state and local authorities that sodium persulfate and calcium hydroxide (hydrated lime) are now stored on site in quantities exceeding the threshold planning quantity (10,000 lbs). These chemicals are used in the remediation project at the X-701B Holding Pond area (see Chapter 3, Section 3.2.2.1).

Section 304 of the Emergency Planning and Community Right-To-Know Act requires reporting of off-site reportable quantity releases to state and local authorities. During 2009, DOE PORTS had no reportable quantity releases.

The Hazardous Chemical Inventory Report includes the identity, location, storage information, and hazards of the chemicals present on site in amounts above the threshold planning quantities specified by the U.S. EPA. This report is submitted annually to state and local authorities. DOE PORTS reported the following chemicals for 2009: aluminum oxide, argon, asbestos, calcium chloride, calcium hydroxide, calcium oxide, carbon dioxide, chlorine, citric acid, diesel fuel, ethylene glycol, gasoline, hydrogen fluoride, hydrogen peroxide, kerosene, lubricating oil, fuel oil, methanol, nitric acid, nitrogen, PCBs, propylene glycol, sodium chloride, sodium hydroxide, sodium persulfate, sodium polyacrylate, sulfuric acid, transformer oil, triuranium octaoxide, uranium dioxide, uranium hexafluoride, uranium metal, uranium tetrafluoride, and uranium trioxide.

The Toxic Chemical Release Inventory is sent annually to the U.S. EPA and Ohio EPA. This report details releases to the environment of specified chemicals when they are manufactured, processed, or otherwise used by the entire site (including USEC) in amounts that exceed threshold quantities specified by the U.S. EPA. For this report, the U.S. EPA defines a release to include on-site treatment, off-site disposal, and recycling conducted in accordance with regulations.

For 2009, DOE PORTS reported the release and/or off-site disposal of two chemicals: lead compounds and nitrate compounds. Releases were in compliance with applicable NPDES or air emission permits. Lead compounds were present in waste disposed off site by DOE PORTS. Nitrate compounds were produced by the recirculating hot water system used to heat former DOE PORTS buildings. The air and water permits associated with the former DOE buildings and recirculating hot water system were transferred to USEC in 2007 and 2008; however, the lease agreement between DOE and USEC for the buildings was not finalized until July 31, 2009. Therefore, DOE remained responsible for these releases from January through July of 2009.

USEC reported the release, off-site transfer, and/or on-site treatment of seven chemicals in 2009: chlorine, dichlorotetrafluoroethane, nitrate compounds, nitric acid, sulfuric acid, hydrochloric acid, and lead compounds.

2.3.1.3 Resource Conservation and Recovery Act

RCRA regulates the generation, accumulation, storage, transportation, and disposal of solid and hazardous wastes. "Solid wastes," as defined by the EPA, can be solids, liquids, sludges, or other materials. Hazardous wastes are a subset of solid wastes, and are designated as hazardous by the EPA because of various chemical properties, including ignitability, corrosivity, reactivity, and toxicity.

Hazardous waste. During 2009, DOE and LPP held a permit to store hazardous waste within seven designated areas of the X-326 building (38,105 square feet or 0.9 acre). The permit, often called a Part B Permit, was issued to DOE PORTS in 1995 and renewed by the Ohio EPA in 2001. The permit governs the storage of hazardous waste and includes requirements for waste identification, inspections of storage areas and emergency equipment, emergency procedures, training requirements, and other information required by the Ohio EPA.

Facilities such as PORTS that generate or store hazardous waste are required to submit an annual report to the Ohio EPA. This annual report contains the name and address of each facility that waste was shipped to during the previous calendar year, the name and address of the transporter for each waste shipment, the description and quantity of each waste stream shipped off site, and a description of waste

minimization efforts. PORTS submitted the report for calendar year 2009 to the Ohio EPA in February 2010. Chapter 3, Section 3.3, Waste Management Program, provides additional information on wastes from PORTS that were recycled, treated, or disposed in 2009.

RCRA may also require groundwater monitoring at hazardous waste units. As discussed in Chapter 6, groundwater monitoring requirements at PORTS have been integrated into one document, the *Integrated Groundwater Monitoring Plan*. Hazardous waste units monitored in accordance with the *Integrated Groundwater Monitoring Plan* include the X-231B Southwest Oil Biodegradation Plot, X-616 Chromium Sludge Surface Impoundments, X-701B Holding Pond, X-701C Neutralization Pit, X-735 RCRA Landfill (northern portion), X-749 Contaminated Materials Storage Yard (northern portion), X-744Y Container Storage Area, X-701B surface impoundments, and X-230J7 Holding Pond. Chapter 6 discusses the groundwater monitoring requirements for these units.

A groundwater report that summarizes the results of monitoring completed in accordance with the *Integrated Groundwater Monitoring Plan* is submitted annually to Ohio EPA. Chapter 6 discusses these monitoring results for 2009.

Solid waste. Groundwater monitoring may be required at closed solid waste disposal facilities, such as landfills. Groundwater monitoring requirements for the closed X-734 Landfills, X-735 Industrial Solid Waste Landfill, and X-749A Classified Materials Disposal Facility are included in the *Integrated Groundwater Monitoring Plan*. Chapter 6 discusses the groundwater monitoring results for these units in 2009.

2.3.1.4 Federal Facility Compliance Act

DOE PORTS currently stores waste that is a mixture of RCRA hazardous waste and low-level radioactive waste. RCRA hazardous waste is subject to Land Disposal Restrictions, which with limited exceptions do not allow the storage of hazardous waste for longer than one year. The Federal Facility Compliance Act, enacted by Congress in October 1992, allows for the storage of mixed hazardous/low-level radioactive waste for longer than one year because treatment for this type of waste is not readily available. The Act also requires federal facilities to develop and submit site treatment plans for treatment of mixed wastes. On October 4, 1995, the Ohio EPA issued Director's Final Findings and Orders allowing the storage of mixed waste beyond one year and approving the DOE PORTS Proposed Site Treatment Plan. An annual update to the Site Treatment Plan is required by these Director's Final Findings and Orders. The annual update to the Site Treatment Plan for fiscal year 2009 was submitted to the Ohio EPA in December 2009.

2.3.1.5 Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) regulates the use, storage, and disposal of PCBs. The electrical power system at PORTS, which is leased by USEC, uses oil-based circuit breaker transformers and large high-voltage capacitors, both containing PCB oil. One hundred-nineteen PCB transformers and approximately 11,099 large PCB capacitors are either in service or stored for reuse at PORTS.

In February 1992, a TSCA Federal Facilities Compliance Agreement between the DOE and U.S. EPA addressing PCB issues became effective and resolved several compliance issues. These issues included the use of PCBs in systems that are not totally enclosed, storage of wastes containing both PCBs and radionuclides in accordance with nuclear criticality safety requirements, and storage of wastes containing both PCBs and radionuclides for longer than one year. The agreement required installation of troughs under motor exhaust duct gaskets located in production facilities (the former gaseous diffusion

facilities) to collect PCB oil leaks. When leaks or spills of PCBs occur, they are managed in accordance with the Federal Facilities Compliance Agreement.

Annual reports of progress made toward milestones specified in the Federal Facilities Compliance Agreement are submitted to the U.S. EPA. DOE PORTS was in compliance with the requirements and milestones of this Federal Facilities Compliance Agreement during 2009.

DOE PORTS operates a number of storage areas for PCB wastes. An annual document log is prepared to meet regulatory requirements. The document log provides an inventory of PCB items in use, in storage as waste, and shipping/disposal information for PCB items disposed in 2009. The *2009 PCB Document Log for the Portsmouth Gaseous Diffusion Plant* was prepared in June 2010. Approximately 11 tons (10,017 kilograms) of PCB waste were shipped off site in 2009.

DOE contractor UDS stores depleted uranium cylinders that may have paint containing greater than 50 parts per million (ppm) of PCBs present on the outside of the cylinders in the X-745C, X-745E and X-745G Cylinder Storage Yards. The cylinders are stored in accordance with an agreement with U.S. EPA that includes monitoring of PCBs in surface water and sediment in drainage basins downstream from the cylinder storage yards. Chapter 5, Sections 5.4.2 and 5.5.2 provide the results of this surface water and sediment sampling, respectively.

2.3.1.6 Federal Insecticide, Fungicide, and Rodenticide Act

No restricted-use pesticides were used by DOE PORTS in 2009.

2.3.2 Radiation Protection

This section discusses the DOE PORTS compliance status with DOE Orders pertaining to radiation protection and management of radioactive waste.

2.3.2.1 DOE Order 5400.5, *Radiation Protection of the Public and the Environment*

DOE Order 5400.5 provides guidance and establishes radiation protection standards and control practices designed to protect the public and the environment from undue radiological risk from operations of DOE and DOE contractors. The order requires that off-site radiation doses do not exceed 100 millirem (mrem)/year above background for all exposure pathways. Chapter 4 provides the dose calculations for compliance with this DOE Order.

2.3.2.2 DOE Order 435.1, *Radioactive Waste Management*

The objective of DOE Order 435.1 is to ensure that radioactive waste is managed in a manner that is protective of worker and public health and safety, and the environment.

Low-level radioactive waste is generated and stored in accordance with the *Authorization Agreement and Radioactive Waste Management Basis for Portsmouth Gaseous Diffusion Plant Facilities and Material Storage Areas* and its implementing procedures. Chapter 3, Section 3.3 provides additional information about the Waste Management Program at DOE PORTS.

2.3.3 Air Quality and Protection

This section discusses the DOE PORTS compliance status with U.S. EPA and Ohio EPA regulations pertaining to air emissions (both radionuclides and non-radiological pollutants) and stratospheric ozone protection.

2.3.3.1 Clean Air Act

In 2009, DOE PORTS had three permitted air emission sources, two registered air emission sources, and one *de minimis* source subject to requirements for radiological emissions. Four additional permitted sources have been constructed by UDS but did not operate in 2009. Appendix B lists the DOE PORTS air emission sources. Radiological air emissions from the DOE air emission sources are discussed in Chapter 4 and non-radiological air emissions are discussed in Chapter 5.

DOE PORTS is not a major source of air pollutants as defined in Title 40 of the *Code of Federal Regulations*, Part 70. USEC is the only major source at the PORTS site, with three boilers at the X-600 Steam Plant emitting the majority of the pollutants that cause the designation as a major source. Chapter 5, Section 5.3.1, provides additional information for PORTS non-radiological air emissions and emission reporting requirements.

2.3.3.2 Clean Air Act, Title VI, Stratospheric Ozone Protection

As part of the Stratospheric Ozone Protection Plan, the DOE has instituted a record-keeping system consisting of forms and labels to comply with the Title VI record-keeping and labeling requirements. These requirements affect all areas that use ozone-depleting substances in units or devices. The appliance service record and retrofit or retirement plan forms apply to units with a capacity of more than 50 pounds. The refrigeration equipment disposal log and associated appliance disposal label are used by all units regardless of capacity. The contractor technicians who service air conditioning/refrigeration units under DOE control have been trained in accordance with U.S. EPA requirements.

An ozone-depleting substance, specifically dichlorotetrafluoroethane, was used as a coolant and remains present in the cascade system formerly used to produce enriched uranium. In 2009, USEC estimated that 22,500 pounds of dichlorotetrafluoroethane were released to the air.

2.3.3.3 National Emission Standards for Hazardous Air Pollutants

The National Emission Standards for Hazardous Air Pollutants require the DOE to submit an annual report for radiological emissions from DOE air emission sources. The DOE and LPP are responsible for five sources of radionuclide emissions including the X-622, X-623, X-624, X-627 Groundwater Treatment Facilities, and the X-326 L-cage Glove Box. The groundwater treatment facilities are radionuclide sources subject to these standards, because the facilities use air strippers to remove volatile organic compounds from groundwater that is also contaminated with radionuclides. There were no emissions from UDS air emission sources in 2009 because the facility was not operating.

Radiological emissions from DOE PORTS in 2009 are based on emissions from the X-622, X-623, X-624, and X-627 Groundwater Treatment Facilities. The X-326 L-cage Glove Box was not used in 2009; therefore there were no emissions from this source. Emissions from the groundwater treatment facilities were conservatively estimated based on quarterly influent/effluent sampling and quarterly throughput. Based on these assumptions, radiological air emissions from the X-622, X-623, X-624, and X-627 Groundwater Treatment Facilities in 2009 were 0.054 curie. Chapter 4, Section 4.3.3, provides the radiological dose calculations from these emissions.

2.3.4 Water Quality and Protection

This section discusses the DOE PORTS compliance status with U.S. EPA and Ohio EPA regulations pertaining to water quality and protection.

2.3.4.1 Clean Water Act

DOE PORTS contractors, LPP and UDS, hold two NPDES permits that allow discharges of water to surface streams. The current LPP NPDES permit encompasses one outfall classified as point-source discharge to waters of the state, and three internal outfalls classified as effluents.

Water from the three internal LPP outfalls is treated in the USEC X-6619 Sewage Treatment Plant (USEC NPDES Outfall 003) before reaching waters of the state. Chapter 4, Section 4.3.5.1, and Chapter 5, Section 5.4.1.1, provide additional information on the LPP NPDES outfalls.

UDS was issued an NPDES permit that became effective on June 1, 2007 for the discharge of process wastewaters from the Depleted Uranium Hexafluoride Conversion Facility. One outfall is monitored under the permit; the discharge from this outfall flows through USEC NPDES Outfall 010 (the X-230J5 Northwest Holding Pond) before reaching waters of the state. Chapter 4, Section 4.3.5.1, and Chapter 5, Section 5.4.1.2, provide additional information on the UDS NPDES outfall.

During 2009, discharges from the UDS NPDES outfall occurred only from January through October. These discharges only consisted of precipitation runoff; no process wastewater was discharged through the UDS NPDES outfall during 2009.

Data required to demonstrate compliance with the NPDES permits are submitted to Ohio EPA in monthly operating reports (see Chapter 5, Section 5.4.1.1). None of the LPP NPDES permit effluent limitations was exceeded during 2009; therefore, the overall LPP NPDES compliance rate for 2009 was 100%. UDS had a number of exceedences of NPDES permit effluent limitations in 2009 (see Chapter 5, Section 5.4.1.2); therefore the overall UDS NPDES compliance rate for 2009 was 87%.

A quarterly discharge monitoring report that provides radiological monitoring data for the LPP NPDES outfalls is also submitted to Ohio EPA (see Chapter 4, Section 4.3.5). The UDS outfall is not monitored for radionuclides.

2.3.5 Other Environmental Statutes

This section discusses the DOE PORTS compliance status with other U.S. EPA and Ohio EPA regulations, including underground storage tank regulations, the Endangered Species Act, and others.

2.3.5.1 Underground storage tank regulations

The Underground Storage Tank Program is managed in accordance with the Ohio State Fire Marshal's Bureau of Underground Storage Tank Regulations. Seven underground storage tanks are owned by the DOE and leased to USEC. The registrations for these tanks are renewed annually.

2.3.5.2 National Environmental Policy Act

The National Environmental Policy Act requires evaluation of the environmental impacts of activities at federal facilities and of activities funded with federal dollars.

DOE PORTS has a formal program dedicated to compliance pursuant to DOE Order 451.1, *National Environmental Policy Act Compliance Program*. Restoration actions, waste management, enrichment facilities maintenance, and other activities are evaluated to determine the appropriate level of evaluation and documentation. Routine operation and maintenance activities are also evaluated to assess potential environmental impacts. Most activities at PORTS qualify for a categorical exclusion as defined in the regulations. These activities are considered routine and have no significant individual or cumulative environmental impacts.

2.3.5.3 Endangered Species Act

The Endangered Species Act of 1973, as amended, provides for the designation and protection of endangered and threatened wildlife and plants, and the habitat on which such species depend. When appropriate, formal consultations are made with the U.S. Fish and Wildlife Service and the Ohio Department of Natural Resources. A site-wide threatened and endangered species habitat survey and an Indiana bat (*Myotis sodalis*) survey were completed in August 1996. No Indiana bats were found at PORTS. Few potential critical habitats were identified, and a report of the survey activities and results was provided to the Ohio Department of Natural Resources as required by the Federal Fish and Wildlife permit obtained to conduct the survey. No additional activities were completed in 2009.

2.3.5.4 National Historic Preservation Act

The National Historic Preservation Act of 1966 is the primary law governing the protection of cultural resources (archaeological and historical properties). Cultural resource reviews are conducted on a case-by-case basis, and consultations with the Ohio State Historic Preservation Office are made as required by Section 106 of the Act. A programmatic agreement among the DOE, the Ohio Historic Preservation Office, and the Advisory Council on Historic Preservation concerning the management of historical and cultural properties at PORTS is under development.

Phase I of the historical/archaeological survey was completed in 1997. Artifacts from the 1940s and 1950s were uncovered during the Phase I survey as well as remains from former dwellings that were present prior to construction of PORTS. DOE submitted the *Phase I History/Architectural Survey Report for the Portsmouth Gaseous Diffusion Plant* to the Ohio Historic Preservation Office in May 2008. The survey report documents the inventory of resources at PORTS and proposes a historic district boundary for the facility. In 2009, DOE received comments on the *Phase I History/Architectural Survey Report for the Portsmouth Gaseous Diffusion Plant* from the Ohio Historic Preservation Office.

Phase II field investigations were conducted in 2009 at two farmstead sites on the northeastern portion of the PORTS property: the 33PK212 Railside Farmstead and the 33PK213 Log Pen Farmstead. Neither site was recommended as eligible for inclusion on the National Register of Historic Places, and no additional work was recommended. In 2009, the DOE also notified the Ohio Historic Preservation Office of the proposed demolition of the X-533 Switchyard and the X-633 Recirculating Cooling Water Tower Complex.

2.3.5.5 Archaeological and Historic Preservation Act and Archaeological Resources Protection Act

The Archaeological and Historic Preservation Act and the Archaeological Resources Protection Act require the Secretary of the Department of Interior to report to Congress on various federal archaeological activities. The Archaeological Resources Protection Act requires federal land managers to provide archaeology program information to the Secretary of the Interior for this report; a questionnaire is completed by DOE PORTS annually.

2.3.5.6 Farmland Protection Policy Act

The Farmland Protection Policy Act of 1981 requires federal agencies to consider the effects of their proposed actions on prime farmland. Prime farmland is generally defined as land that has the best combination of physical and chemical characteristics for producing crops of statewide or local importance. When required, prime farmland surveys are conducted, and consultations with the U.S. Department of Agriculture's Natural Resources Conservation Service are made. No prime farmland activities were conducted at DOE PORTS in 2009.

2.3.6 DOE Order 450.1, *Environmental Protection Program*

DOE Order 450.1, *Environmental Protection Program*, requires development and implementation of an Environmental Management System (EMS) in order to protect air, water, land, and other natural or cultural resources potentially impacted by DOE operations.

LPP, TPMC, and UDS have developed the following EMS criteria, as applicable: site EMS policy statement, EMS implementation training, identification of significant environmental aspects of site operations, establishment of measurable environmental objectives and targets, EMS awareness training (initial and ongoing), and establishment of EMS procedures. Because the UDS facility is under construction and will not be operational until 2010, UDS has not yet established measurable environmental objectives and targets. DOE completed the self-declaration protocol for establishment of the EMS in June 2006. An independent assessment of the LPP EMS completed in 2008 found that LPP is effectively implementing a comprehensive Environmental Management Program based on DOE Order 450.1. An independent assessment of environmental reporting conducted in May 2009 did not identify any deficiencies.

2.3.7 Executive Orders

An Executive Order is issued by a member of the executive branch of the government. Most Executive Orders are issued by the President to various federal agencies, including the DOE. This section discusses the DOE PORTS compliance status with Executive Orders pertaining to the environment.

2.3.7.1 Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*

On January 24, 2007, Executive Order 13423 was issued requiring federal facilities to conduct their environmental, transportation, and energy-related activities in an environmentally, economically and fiscally sound, integrated, continuously improving, efficient, and sustainable manner.

Chapter 3, Section 3.4, provides a summary of the DOE PORTS Environmental Sustainability Program and associated activities for 2009.

2.3.7.2 Executive Order 11988, *Floodplain Management*, and Executive Order 11990, *Protection of Wetlands*

Part 1022 of Title 10 of the Code of Federal Regulations establishes policy and procedures for compliance with Executive Order 11988, *Floodplain Management*, and Executive Order 11990, *Protection of Wetlands*.

The site-wide wetland survey report was completed and submitted to the Corps of Engineers in 1996. There are 41 jurisdictional wetlands and four non-jurisdictional wetlands totaling 34.361 acres at PORTS. During 2009, no DOE activities were conducted in jurisdictional wetlands.

2.4 OTHER MAJOR ENVIRONMENTAL ISSUES AND ACTIONS

This section summarizes environmental inspections at DOE PORTS during 2009 and the results of these inspections.

2.4.1 Environmental Program Inspections

During 2009, 14 inspections of the DOE PORTS programs were conducted by federal, state, or local agencies. Table 2.1 lists these inspections.

DOE PORTS and LPP received a Notice of Violation on December 18, 2009, based on the RCRA compliance inspection conducted on December 16, 2009. When reviewing the documentation that accompanied a shipment of hazardous waste, Ohio EPA discovered that a form called the Land Disposal Restriction Notice had not been accurately completed by LPP. LPP immediately corrected the Land Disposal Restriction Notice and provided the corrected form to the facility that received the waste. LPP has revised its procedures for completing and reviewing the documentation associated with shipments of hazardous waste. There was no environmental harm or risk to human health from the error in completing the paperwork associated with the hazardous waste shipment.

2.5 UNPLANNED RELEASES

No unplanned releases from DOE PORTS were reported in 2009.

2.6 SUMMARY OF PERMITS

Appendix B lists the permits held by DOE PORTS in 2009.

Table 2.1. Environmental inspections at DOE PORTS for 2009

Date	Agency	Type	Notices of Violation
February 24	Ohio EPA	RCRA compliance and RCRA Corrective Action surveillance and maintenance (X-720 Neutralization Pit area, X-700 tanks, X-533 Switchyard, X-633 Pumphouse/Cooling Towers)	None
April 2	Ohio EPA	RCRA Corrective Action surveillance and maintenance (X-735 Landfills)	None
May (multiple dates)	Ohio EPA	RCRA Corrective Action surveillance and maintenance (Five-Unit area groundwater extraction system)	None
June 4	Ohio EPA	Clean Air Act compliance	None
June 18	Pike County Health Department and Ohio EPA	Closed solid waste landfills: X-749A, X-749, and X-735 (solid waste portion)	None
June 22	Ohio EPA and U.S. EPA	RCRA compliance	None
June 30	Ohio EPA	RCRA Corrective Action surveillance and maintenance (X-749 phytoremediation area)	None
July (multiple dates)	Ohio EPA	RCRA Corrective Action surveillance and maintenance (X-734, X231A, X-231B, X-749A)	None
August 11	Ohio EPA	RCRA Corrective Action surveillance and maintenance (X-705A/B, X-700 tanks, X-627, former X-701C neutralization pit area, X-616)	None
September 16	Ohio EPA	RCRA compliance	None
September/ October (multiple dates)	Ohio EPA	RCRA Corrective Action surveillance and maintenance (Don Marquis substation, X-624, X-749 southeastern phytoremediation area)	None
October 7	Ohio EPA	RCRA Corrective Action surveillance and maintenance (X-230J7 Holding Pond, PK Landfill)	None
October 21	Ohio EPA	RCRA Corrective Action surveillance and maintenance (X-611A)	None
December 14	Ohio EPA	NPDES permit compliance	None
December 16	Ohio EPA	RCRA compliance	See Section 2.4.1

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