2. COMPLIANCE SUMMARY

2.1 SUMMARY

DOE and/or the responsible DOE contractor during 2010 (LPP or UDS) held a permit for discharge of water to surface streams, several air emission permits, and a permit for the storage of hazardous wastes. DOE is responsible for preparing a number of reports for compliance with various applicable 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, Inc. and USEC Government Services are responsible for compliance activities directly associated with the operations that are leased from DOE. USEC Government Services has been issued air emission permits for several boilers and other sources of air emissions and water discharge permits for several holding ponds and water treatment facilities. USEC, Inc. also holds air emission permits for emissions associated with the gaseous centrifuge uranium enrichment operations. USEC, Inc. and USEC Government Services are responsible for management of wastes generated by their current operations.

DOE activities at PORTS are inspected regularly by the federal, state, and local agencies responsible for enforcing environmental regulations at PORTS. DOE and DOE contractors at PORTS did not receive any Notices of Violation for inspections conducted during 2010. However, DOE received an Notice of Violation in April 2010 from an inspection conducted by U.S. EPA and Ohio EPA in June 2009. Section 2.4.1 provides more information about this Notice of Violation.

2.2 INTRODUCTION

DOE is responsible for the D&D Program, Environmental Restoration Program, Waste Management Program, uranium operations, and maintenance of all facilities not leased to USEC, Inc. and USEC Government Services. USEC, Inc. and USEC Government Services are responsible for compliance activities directly associated with their operations. In 2010, USEC Government Services held numerous air emission permits and an NPDES permit for discharge of water from several holding ponds and water treatment facilities. USEC, Inc. also held air emission permits for emissions associated with the gaseous centrifuge uranium enrichment operations. USEC, Inc. and USEC Government Services are also responsible for the management of wastes generated by their current operations.

DOE and/or DOE contractors during 2010 (LPP or UDS) held 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 environmental permits and registrations held by DOE and/or DOE contractors (LPP and UDS) for 2010.

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

DOE and/or DOE contractors conduct self-assessments to identify environmental issues and consult the regulatory agencies to identify the appropriate actions necessary to achieve and maintain compliance.

2.3 COMPLIANCE STATUS

This section discusses the DOE compliance status at PORTS 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 compliance status at PORTS 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

PORTS is not on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) National Priorities List of sites requiring priority cleanup. However, D&D of PORTS is proceeding under the CERCLA framework in accordance with t*he April 13, 2010 Director's Final Findings and Orders for Removal Action and Remedial Investigation and Feasibility Study and Remedial Design and Remedial Action, including the September 12, 2011 Modification thereto*, called the D&D Orders. The D&D Orders describe the process for D&D of the gaseous diffusion process buildings and associated facilities that are no longer in use. Chapter 3, Section 3.2, provides additional information about the D&D Program.

Environmental remediation, or the cleanup of soil, groundwater and other environmental media contaminated by PORTS operations, is conducted in accordance with 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. U.S. EPA and Ohio EPA oversee environmental remediation activities at PORTS under the RCRA Corrective Action Program and CERCLA Program. Chapter 3, Section 3.3, 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 2010, DOE contractors 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.

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 2010, DOE contractors 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 U.S. EPA. This report is submitted annually to state and local authorities. DOE contractors or lessees (LPP, TPMC/WEMS, UDS, and the Ohio Army National Guard) reported the following chemicals for 2010: aluminum oxide, argon, asbestos, calcium chloride, calcium hydroxide, calcium oxide, carbon

dioxide, chlorine, citric acid, diesel fuel, ethylene glycol, gasoline, hydrofluoric acid, hydrogen fluoride, hydrogen peroxide, kerosene, lubricating oil, methanol, nitric acid, nitrogen, PCBs, potassium hydroxide, 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 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, Inc. and USEC Government Services) in amounts that exceed threshold quantities specified by U.S. EPA. For this report, U.S. EPA defines a release to include on-site treatment, off-site disposal, and recycling conducted in accordance with regulations.

For 2010, DOE contractors reported off-site disposal of lead compounds, which is present in waste disposed off site. USEC, Inc. and USEC Government Services reported the release, off-site transfer, and/or on-site treatment of eight chemicals in 2010: chlorine, dichlorotetrafluoroethane, methanol, 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 Ohio EPA, can be solids, liquids, sludges, or other materials. Hazardous wastes are a subset of solid wastes, and are designated as hazardous by Ohio EPA because of various chemical properties, including ignitability, corrosivity, reactivity, and toxicity.

Hazardous waste. During 2010, 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 and the responsible DOE contractor in 1995 and renewed by Ohio EPA in 2001. A permit renewal application was submitted to Ohio EPA on September 15, 2010. Ohio EPA renewed the permit on March 25, 2011, with an expiration date of March 25, 2021. 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 Ohio EPA.

Facilities such as PORTS that generate or store hazardous waste are required to submit an annual report to 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. DOE submitted the report for calendar year 2010 to Ohio EPA on March 1, 2011. Chapter 3, Section 3.4, Waste Management Program, provides additional information on wastes from DOE activities at PORTS that were recycled, treated, or disposed in 2010.

RCRA also requires groundwater monitoring at certain hazardous waste management units. As discussed in Chapter 6, groundwater monitoring requirements at PORTS have been integrated into one document, the *Integrated Groundwater Monitoring Plan*. Hazardous waste management units monitored in accordance with the *Integrated Groundwater Monitoring Plan* include the X-749 Contaminated Materials Disposal Facility (northern portion), X-231B Southwest Oil Biodegradation Plot (Quadrant I Groundwater Investigative Area), X-701C Neutralization Pit (Quadrant II Groundwater Investigative Area), X-701B Holding Pond, X-701B retention basins, X-744Y Waste Storage Yard (X-701B Holding Pond area), X-230J7 Holding Pond (X-701B Holding Pond area), X-616 Chromium Sludge Surface Impoundments, and X-735 RCRA Landfill (northern portion). 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 2010.

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 2010.

2.3.1.4 Federal Facility Compliance Act

Waste that is a mixture of RCRA hazardous waste and low-level radioactive waste is currently stored at PORTS. 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, Ohio EPA issued Director's Final Findings and Orders allowing the storage of mixed waste beyond one year and approving the 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 2010 was submitted to Ohio EPA in December 2010.

2.3.1.5 Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) regulates the use, storage, and disposal of PCBs, which are most commonly found in older electrical power system components, such as transformers and capacitors. Many of the PCB transformers and capacitors present at PORTS (associated with the gaseous diffusion process buildings) were removed in 2010. One hundred and eleven transformers and all of the approximately 11,099 large PCB capacitors from the X-330 and X-333 Process Buildings were either shipped off site or in storage for disposal at the end of 2010. Only eight PCB transformers were in service at PORTS at the end of 2010. These transformers were leased to USEC Government Services. Other waste contaminated with PCBs was also generated during 2010 through D&D of the X-533 Switchyard Complex and other areas (see Chapter 3, Section 3.6).

An annual document log is prepared to meet TSCA 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 2010. The *2010 PCB Document Log for the Portsmouth Gaseous Diffusion Plant* was prepared in June 2011. Almost 10 tons of PCB waste (over 9 million kilograms) was generated and shipped off site in 2010.

In February 1992, a TSCA Federal Facilities Compliance Agreement between 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 U.S. EPA. DOE was in compliance with the requirements and milestones of this Federal Facilities Compliance Agreement during 2010.

The DUF_6 Conversion Facility stores and processes depleted uranium cylinders that may have paint containing greater than 50 parts per million (ppm) of PCBs present on the outside of the cylinders. The cylinders are stored in the X-745C, X-745E and X-745G DUF_6 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 contractors in 2010.

2.3.2 Radiation Protection

This section discusses the DOE 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 3.4 provides additional information about the DOE Waste Management Program at PORTS.

2.3.3 Air Quality and Protection

This section discusses the DOE 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 2010, DOE and LPP were responsible for three permitted air emission sources, two registered air emission sources, and one *de minimis* source subject to requirements for radiological emissions. DOE and UDS were responsible for four additional permitted sources associated with the DUF_6 Conversion Facility that began operating in 2010. Appendix B lists the DOE air emission sources at PORTS. 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 air emission sources are not a major source of air pollutants as defined in Title 40 of the *Code of Federal Regulations*, Part 70. USEC Government Services 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, 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 gaseous diffusion cascade system formerly used to produce enriched uranium**.** In 2010, USEC Government Services estimated that 6600 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 DOE to submit an annual report for radiological emissions from DOE air emission sources. In 2010, DOE and LPP were responsible for five sources of radionuclide emissions: the X-622, X-623, X-624, X-627 Groundwater Treatment Facilities and the X-326 L-cage Glove Box. DOE and UDS were responsible for emissions from the DUF_6 Conversion Facility, which began operating on July 28, 2010.

Radiological emissions from DOE sources in 2010 are based on emissions from each of the LPP and UDS sources. Emissions from the groundwater treatment facilities were conservatively estimated based on quarterly influent/effluent sampling and quarterly throughput. Emissions from the X-326 L-cage Glove Box were based on the mass of the materials transferred within the glove box, analytical data available for each material, and emission factors provided by U.S. EPA. Emissions from the DUF_6 Conversion Facility were based on the annual emissions provided in the permit application for the facility. Based on these assumptions, radiological air emissions from the DOE sources in 2010 were 0.12 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 compliance status with U.S. EPA and Ohio EPA regulations pertaining to water quality and protection.

2.3.4.1 Clean Water Act

DOE contractors LPP and UDS each held NPDES permits in 2010 that allowed discharges of water to surface streams. The LPP NPDES permit encompassed 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 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.

The UDS NPDES permit allows the discharge of process wastewaters from the DUF_6 Conversion Facility. One outfall is monitored under the permit; the discharge from this outfall flows through the X-230J5 Northwest Holding Pond (USEC NPDES Outfall 010) 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 2010, discharges from the UDS NPDES outfall only consisted of precipitation runoff; no process wastewater was discharged through the UDS NPDES outfall during 2010.

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 2010; therefore, the overall LPP NPDES compliance rate for 2010 was 100%. UDS had four exceedences of NPDES permit effluent limitations in 2010 (see Chapter 5, Section 5.4.1.2); therefore the overall UDS NPDES compliance rate for 2010 was 93%.

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 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 DOE and maintained by USEC Government Services. 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 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. No environmental impact statements or environmental assessments were planned, underway, or completed during 2010.

Routine operation and maintenance activities are also evaluated to assess potential environmental impacts. Most DOE 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. In 2009, DOE implemented a policy to post online some types of categorical exclusions. Categorical exclusions for D&D of the X-230J9 North Environmental Sampling Building, X-605H Booster Pump House, X-605I Chlorinator Building, and X-605J Diesel Generator Building were posted on the DOE Portsmouth/Paducah Project Office website (www.pppo.energy.gov) in 2010.

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 2010.

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 and other stakeholders

are made as required by Section 106 of the Act. With the beginning of D&D at PORTS, DOE is working with the State Historic Preservation Office and other stakeholders to determine how best to document the history associated with the buildings and other areas that are part of D&D. Requirements of the National Historic Preservation Act will be worked into the CERCLA process.

Phase II archaeological site evaluations were conducted in 2010 at five sites on the east side of the PORTS property to determine whether the sites had potential to provide significant information regarding settlement in the late 1800s and early 1900s in Appalachian Ohio and therefore be eligible for the National Register of Historic Places. None of the sites evaluated in 2010 was recommended as eligible for inclusion on the National Register of Historic Places, and no additional work was recommended at these sites. Additional archaeological site evaluations, if identified, may be performed as necessary in the future.

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 that provides information for PORTS is completed annually by DOE.

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 by DOE at PORTS in 2010.

2.3.6 DOE Order 450.1A, *Environmental Protection Program*

DOE Order 450.1A, *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/WEMS, and UDS 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. WEMS took over the TMPC EMS program when WEMS assumed responsibility for the facility support services in March 2010.

An independent audit of the EMS programs took place in May/June of 2009 to confirm that the DOE contractors at that time (LPP, TPMC, and UDS) had fully implemented the new requirements of DOE Order 450.1A, issued in June 2008. There were no findings as a result of the audit. An independent assessment of the EMS by qualified personnel outside the control or scope of the EMS is required at least every three years for the program to maintain its fully implemented status.

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 DOE. This section discusses the DOE compliance status at PORTS 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 3.5, provides a summary of the DOE Environmental Sustainability Program at PORTS and associated activities for 2010.

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 2010, no DOE activities were conducted in jurisdictional wetlands.

2.4 OTHER MAJOR ENVIRONMENTAL ISSUES AND ACTIONS

This section summarizes environmental inspections of DOE activities at PORTS during 2010 and the results of these inspections.

2.4.1 Environmental Program Inspections

During 2010, more than 12 inspections of DOE activities at PORTS were conducted by federal, state, or local agencies. Table 2.1 lists these inspections. No Notices of Violation were received as a result of these inspections.

DOE received a Notice of Violation in April 2010 from an inspection conducted by U.S. EPA and Ohio EPA in June 2009. The Notice of Violation was for failing to have the word “waste” on a tank that holds trichloroethene recovered from the vapor phase carbon unit in one of the groundwater treatment facilities. The violation was abated by adding the word “waste” to the tank on the same day. No further action was required.

2.5 UNPLANNED RELEASES

No unplanned releases from DOE activities at PORTS were reported in 2010.

2.6 SUMMARY OF PERMITS

Appendix B lists the permits held by DOE and/or DOE contractors in 2010.

Table 2.1. Environmental inspections of DOE activities at PORTS for 2010

Date	Agency	Type	Notices of Violation
March 25	Ohio EPA	RCRA compliance	None
April (multiple dates)	Ohio EPA	RCRA Corrective Action surveillance and maintenance (X-611A Prairie, X-720 Neutralization Pit, X-700 and X-705 sumps)	None
May (multiple dates)	Ohio EPA	RCRA Corrective Action surveillance and maintenance (Five-Unit area and X-749/X-120 groundwater extraction systems, X-734 and X-735 Landfills)	None
May 20	Pike County Health Department and Ohio EPA	Closed solid waste landfills: X-749A, X-749, and X-735 (solid waste portion)	None
June (multiple dates)	Ohio EPA	RCRA Corrective Action surveillance and maintenance (X-749 phytoremediation area, X-744 warehouses)	None
June 2	Ohio EPA	RCRA compliance	None
July 13	Ohio EPA and U.S. EPA	RCRA compliance	None
September 10	Ohio EPA	RCRA compliance	None
September (multiple dates)	Ohio EPA	RCRA Corrective Action surveillance and maintenance (X-231A&B Oil Biodegradation Plots, X-623)	None
October (multiple dates)	Ohio EPA	RCRA Corrective Action surveillance and maintenance (X-749 and PK Landfills, Five-Unit area, X-237 Groundwater Collection System [X-701B area], X-622, X-624, X-627)	None
October 28	Ohio EPA	NPDES permit compliance	None
December 22	Ohio EPA	RCRA compliance	None