

## **2. COMPLIANCE SUMMARY**

### **2.1 SUMMARY**

DOE PORTS has 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 polychlorinated biphenyl (PCB) document log, an annual summary of radionuclide air emissions and the associated dose to the public from these emissions, a monthly summary of National Pollutant Discharge Elimination System (NPDES) monitoring, a quarterly radiological discharge monitoring report, 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. In 2005, DOE PORTS received Notices of Violation from the U.S. Environmental Protection Agency (EPA) and Ohio EPA arising from state and federal hazardous waste inspections. These Notices of Violation and the DOE's responses are summarized in Section 2.4.2. No deficiencies were identified by the Ohio EPA or the Pike County Health Department in 2005 during other inspections of groundwater remediation/monitoring areas and related facilities, and closed solid waste landfills.

### **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. The DOE also retains responsibility for certain "legacy" wastes, which contain constituents such as asbestos and PCBs that were used in DOE operations prior to the lease agreement. 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 has an NPDES permit 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 environmental permits for 2005.

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 the Act and vary depending on the type of hazardous substance released. During 2005, 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.

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 2005, 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. In 2005, DOE PORTS

reported the following chemicals: aluminum oxide, argon, asbestos, calcium oxide, carbon dioxide, citric acid, diesel fuel, ethylene glycol, fluorotrichloromethane (Freon-11), gasoline, kerosene, lubricating oil, fuel oil, methanol, nitric acid, nitrogen, PCBs, sodium chloride, sodium fluoride, sodium hydroxide, 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.

In 2005, DOE PORTS reported the release, on-site treatment, and/or off-site transfer of three chemicals: lead compounds (present in waste disposed or recycled by DOE PORTS), nitrate compounds (produced by an additive used in the recirculating hot water system that heats DOE PORTS), and sulfuric acid (produced by fuel burned by the DOE heating system). USEC reported the release, off-site transfer, and/or on-site treatment of six chemicals: chlorine, dichlorotetrafluoroethane, nitrate compounds, 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. Wastes are designated as hazardous by the EPA because of various chemical properties, including ignitability, corrosivity, reactivity, and toxicity. RCRA also regulates wastes that are called "solid waste," although these wastes can be solids, liquids, sludges, or other materials.

**Hazardous waste.** DOE PORTS has a permit to store hazardous waste in the X-7725 and X-326 facilities. 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.

In January 2004, USEC, Inc. announced that its American Centrifuge Plant will be sited at PORTS. This facility will be installed in the existing X-7725 building; the DOE will close permitted RCRA storage areas within this building prior to allowing USEC, Inc. use of the areas. In general, closure of RCRA storage areas includes removing stored waste, cleaning the area (as necessary), sampling to ensure that the area meets closure standards set by the Ohio EPA, and submittal of a report and certification to the Ohio EPA. The Ohio EPA reviews the report and approves the closure, at which time the area can be removed from the facility's Part B Permit. Five storage areas that comprise approximately 1 acre of floor space within the X-7725 building were closed during 2005.

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 2005 to the Ohio EPA in February 2006. Chapter 3, Section 3.3, Waste Management Program, provides additional information on wastes from PORTS that were recycled, treated, or disposed in 2005.

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 included in the *Integrated Groundwater Monitoring Plan* are 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), and X-749 Contaminated Materials Storage Yard (northern portion). Other hazardous waste units at PORTS (the X-744Y Container Storage Area, X-701B surface impoundments, and X-230J7 Holding Pond) are being remediated as part of the RCRA Corrective Action Program at PORTS and are also monitored in accordance with the *Integrated Groundwater Monitoring Plan*. Chapter 6 discusses the groundwater monitoring requirements for these units.

**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 programs for these units.

#### **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 2005 was submitted to the Ohio EPA in December 2005.

#### **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, to supply electricity to the enrichment cascade. Approximately 144 PCB transformers and 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 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 2005.

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 2005. The *2005 PCB*

*Document Log for the Portsmouth Gaseous Diffusion Plant* was prepared in June 2006. Approximately 61 tons (55,562 kilograms) of PCB waste were shipped off site in 2005.

In June 2005, DOE received approval from U.S. EPA to manage paint containing greater than 50 parts per million (ppm) PCBs that may be present in paint on the exterior of a portion of the depleted uranium cylinders in storage in the X-745C, X-745E and X-745G Cylinder Storage Yards. The agreement includes monitoring of PCBs in surface water and sediment in drainage basins downstream from the DOE cylinder storage yards. Chapter 5, Sections 5.4.3 and 5.5.2 provide the results of this sampling.

#### **2.3.1.6 Federal Insecticide, Fungicide, and Rodenticide Act**

No restricted-use pesticides were used by DOE PORTS in 2005.

#### **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/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.

Under Bechtel Jacobs Company (prior to June 27, 2005), DOE PORTS generated and stored low-level radioactive waste in accordance with the *BJC Environmental Management and Enrichment Facilities Implementation Plan for DOE Order 435.1, Radioactive Waste Management*. Under LPP, 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**

DOE PORTS had six permitted and three registered air emission sources at the end of 2005 (see Appendix B). Radiological air emissions from these 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.

### **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.

USEC uses an ozone-depleting substance, specifically dichlorotetrafluoroethane, as a coolant in the cascade system used to produce enriched uranium. In 2005, USEC estimated that 44,050 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 PORTS to submit an annual estimate of radiological emissions from DOE PORTS sources. The DOE is responsible for six sources of radionuclide emissions including the X-622, X-623, X-624, X-627 Groundwater Treatment Facilities, the X-326 L-cage Glove Box, and the X-744G Glove Box. A glove box is an enclosure with built-in sleeves and gloves that is used by a person to repack or transfer hazardous material without directly exposing the person to the material. 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.

In 2005, the X-326 L-cage Glove Box and X-744G Glove Box were not used, and the X-744G Glove Box was removed from service. Radiological emissions from DOE PORTS in 2005 are based on emissions from the X-622, X-623, X-624, and X-627 Groundwater Treatment Facilities. Emissions from the groundwater treatment facilities were conservatively estimated based on the assumption that the highest emissions recorded during air emissions testing of each facility were emitted during each hour of operation of the facility in 2005. Based on this assumption, radiological air emissions from the X-622, X-623, X-624, and X-627 Groundwater Treatment Facilities in 2005 were 0.000255 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**

The DOE PORTS NPDES permit, effective December 2002, encompasses eight monitored outfalls. Three of the outfalls are classified as point-source discharges to waters of the state, and the other five outfalls are internal outfalls classified as effluents. Water from four of these internal outfalls is treated in the USEC Sewage Treatment Plant before reaching waters of the state. Water from the fifth internal outfall is discharged to the X-2230M Holding Pond, which discharges to DOE PORTS NPDES Outfall

012. Chapter 4, Section 4.3.5.1, and Chapter 5, Section 5.4.1.1, provide additional information on the DOE PORTS NPDES outfalls.

None of the DOE PORTS NPDES permit limitations was exceeded during 2005; therefore, the overall DOE NPDES compliance rate for 2005 was 100%.

### **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. In May 2005, DOE PORTS renewed the registration of seven tanks, each of which are leased to USEC.

#### **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 sitewide 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 2005.

#### **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 State Historic Preservation Office, and the Advisory Council on Historic Preservation concerning the management of historical and cultural properties at DOE PORTS is under development.

Phase I of the historical/archaeological survey was completed in September 1996. Fieldwork for Phase II of the project was completed in May 1997. Artifacts from the 1940s and 1950s were uncovered as well as remains from former dwellings that were present prior to construction of PORTS. Results from the survey will be coordinated with the State of Ohio Historic Preservation Office, and a Cultural Resources Management Plan will be developed.

#### **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. An archaeological survey of an area in the southwest corner of PORTS was completed in 2003. No sensitive archaeological sites were identified on DOE property in this area.

#### **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 2005.

#### **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 in order to protect air, water, land, and other natural or cultural resources potentially impacted by DOE operations.

DOE PORTS was managed by Bechtel Jacobs until June 26, 2005. Compliance with DOE Order 450.1 was not part of the Bechtel Jacobs contract with DOE. LPP began work June 27, 2005, and was in the early stages of implementing the Environmental Management System as of December 31, 2005.

#### **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 13148, *Greening the Government through Leadership in Environmental Management***

Executive Order 13148 requires federal facilities to comply with Emergency Planning and Community Right-to-Know requirements. Section 2.3.1.2 summarizes DOE PORTS activities conducted during 2005 to comply with these requirements.

Additional Executive Order 13148 goals include pollution prevention and phasing out the procurement of ozone depleting substances. Chapter 3, Section 3.4, discusses pollution prevention



activities at DOE PORTS, and Section 2.3.3.2 describes DOE PORTS compliance activities for stratospheric ozone protection.

### **2.3.7.2 Executive Order 13101, *Greening the Government through Waste Prevention, Recycling, and Federal Acquisition***

Chapter 3, Section 3.4, provides a summary of the DOE PORTS pollution prevention program and pollution prevention activities for 2005.

### **2.3.7.3 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 2005, no DOE activities were conducted in jurisdictional wetlands.

## **2.4 OTHER MAJOR ENVIRONMENTAL ISSUES AND ACTIONS**

This section summarizes environmental inspection at DOE PORTS during 2005 and the results of these inspections.

### **2.4.1 Environmental Program Inspections**

During 2005, five inspections of the DOE PORTS programs were conducted by federal, state, or local agencies. Table 2.1 lists these inspections.

**Table 2.1. Environmental inspections at DOE PORTS for 2005**

Date	Agency	Type	Findings
March 8-9	Ohio EPA and U.S. EPA	RCRA	See Section 2.4.2
June 1	Pike County Health Department and Ohio EPA	Closed solid waste landfills: X-749A, X-749, and X-735 (solid waste portion)	None
June 6	Ohio EPA	X-700 and X-705 building sumps	None
August 11	Ohio EPA	X-701B project area, X-734, and X-7725	None
October 26-27	Ohio EPA	RCRA	See Section 2.4.2

### **2.4.2 Inspection Findings**

DOE PORTS received a Notice of Violation from the U.S. EPA on July 14, 2005 for the inspection completed March 8-9, 2005. The Notice of Violation identified a deficient form in the paperwork used by DOE PORTS to ship hazardous waste. Specifically, the Land Disposal Restriction notification form did not have a box to identify whether waste was a wastewater or non-wastewater. A revised Land Disposal Restriction notification form is now in use.

On April 14, 2005, Bechtel Jacobs (the managing contractor for DOE at the time) received a Notice of Violation from the Ohio EPA identifying missing and incorrect information in the recently submitted Annual Hazardous Waste Report. The corrected pages were submitted to the Ohio EPA the same day, and the Ohio EPA notified Bechtel Jacobs that the violation had been abated in a letter dated April 26, 2005.

On November 9, 2005, DOE PORTS received a Notice of Violation from the Ohio EPA for the inspection conducted October 26-27, 2005. Containers of universal waste batteries and fluorescent bulbs were labeled “batteries” or “incandescent bulbs,” which allegedly were not in compliance with Ohio EPA regulations that require the labels for these items to include the words “universal waste,” “waste,” or “used”. The Notice of Violation also alleged that language in the DOE PORTS Contingency Plan concerning notification of the Ohio EPA in an emergency did not meet Ohio EPA regulatory requirements. In addition, the Ohio EPA alleged that waste characterization information for uranium trioxide stored at PORTS was not sufficient. DOE PORTS submitted responses to this Notice of Violation to the Ohio EPA setting forth DOE’s position regarding the alleged violations and actions taken in response thereto. The Ohio EPA indicated that the DOE had returned to compliance in letters dated January 4 and February 10, 2006.

## **2.5 UNPLANNED RELEASES**

No unplanned releases from DOE PORTS were reported in 2005.

## **2.6 SUMMARY OF PERMITS**

Appendix B lists the permits held by DOE PORTS in 2005.