

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. 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 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 2004, 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 DOE's responses are summarized in Sect. 2.4.2. No deficiencies were identified by Ohio EPA and the State Fire Marshal in 2004 during other inspections of air emission sources, groundwater monitoring areas and related facilities, and above ground storage tanks.

2.2 INTRODUCTION

DOE is responsible for the Environmental Restoration Program, Waste Management Program, Uranium Program, and operation of all facilities not leased to USEC. 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 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 2004.

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

2.3.1 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, but is regulated under the provisions of CERCLA by the U.S. EPA Administrative Consent Order. 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. 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, Sect. 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 2004, 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, the information must be submitted 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 2004, 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 EPA. This report is submitted annually to state and local authorities. In 2004, 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 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 U.S. EPA. For this report, EPA defines a release to include on-site treatment, off-site disposal, and recycling conducted in accordance with regulations.

In 2004, 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 wastes. Wastes are designated as hazardous by the EPA because of various chemical properties, including ignitability, corrosivity, reactivity, and toxicity.

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 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 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; 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 Ohio EPA, and submittal of a report and certification to Ohio EPA. Ohio EPA reviews the report and approves the closure, at which time the area can be removed from the facility's Part B permit. Three storage areas that comprise approximately 1 acre of floor space were closed during 2004. Additional storage areas were in the process of being closed at the end of 2004.

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. PORTS submitted the report for calendar year 2004 to Ohio EPA in February 2005. Chapter 3, Sect. 3.3, Waste Management Program, provides additional information on wastes from PORTS that were recycled, treated, or disposed in 2004.

RCRA may also require groundwater monitoring at hazardous waste units. As discussed in Chap. 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 facilities. 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, 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 2004 was submitted to Ohio EPA in December 2004.

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. The *2004 PCB Document Log for the Portsmouth Gaseous Diffusion Plant* identifies 145 PCB transformers and 11,099 large PCB capacitors either in service or stored for reuse at PORTS.

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 to collect PCB oil leaks. When leaks or spills of PCBs occur, they are managed in accordance with the Federal Facilities Compliance Agreement. Annual and quarterly 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 2004.

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 2004. The *2004 PCB Document Log for the Portsmouth Gaseous Diffusion Plant* was prepared in June 2005. Approximately 1289 tons (1,169,500 kilograms) of PCB waste were shipped off site in 2004.

2.3.1.6 Federal Insecticide, Fungicide, and Rodenticide Act

No restricted-use pesticides were used by DOE PORTS in 2004.

2.3.2 Radiation Protection

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.

DOE PORTS generates and stores low level radioactive waste in accordance with the *BJC Environmental Management and Enrichment Facilities Implementation Plan for DOE Order 435.1, Radioactive Waste Management*. Chapter 3, Sect. 3.3 provides additional information about the Waste Management Program at DOE PORTS.

2.3.3 Air Quality and Protection

2.3.3.1 Clean Air Act

DOE PORTS replaced the X-622T Groundwater Treatment Facility, which treats contaminated groundwater associated with the Quadrant II Groundwater Investigative Area (see Chap. 6) with the X-627 Groundwater Treatment Facility in September 2004. The new facility uses an air stripper to remove volatile organic compounds from the groundwater, which causes air emissions from the facility. DOE PORTS submitted a Permit To Operate application for this facility to Ohio EPA on October 4, 2004. Ohio EPA has not yet issued the Permit To Operate.

In 2004, DOE PORTS requested that Ohio EPA withdraw Clean Air Act registrations for several emission sources that met permitting exemptions in Ohio or that no longer existed. DOE PORTS had six permitted and four registered air emission sources at the end of 2004 (see Appendix B). Radiological air emissions from these sources are discussed in Chap. 4 and non-radiological air emissions are discussed in Chap. 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 emissions from three boilers at the X-600 Steam Plant contributing most substantially to the designation as a major source. Chapter 5, Sect. 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, 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. Air conditioning/refrigeration units under DOE control are maintained and

serviced under contract with USEC. The contractor technicians who service the equipment 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 2004, USEC estimated that 24,050 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. 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 repackaging 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 systems with air strippers to treat groundwater contaminated with radionuclides.

In 2004, the X-326 L-cage Glove Box and X-744G Glove Box were not used; therefore, radiological emissions from DOE PORTS in 2004 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 2004. Based on this assumption, radiological air emissions from the X-622, X-623, X-624, and X-627 Groundwater Treatment Facilities in 2004 were 0.00016 curie (Ci). Chapter 4, Sect. 4.3.3, provides the radiological dose calculations to members of the public from these emissions.

2.3.4 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, Sect. 4.3.5.1, and Chap. 5, Sect. 5.4.1.1, provide additional information on the DOE PORTS NPDES outfalls.

None of the DOE PORTS NPDES permit limitations was exceeded during 2004; therefore, the overall DOE NPDES compliance rate for 2004 was 100%.

2.3.5 Other Environmental Statutes

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 2004, DOE PORTS renewed the registration of seven tanks, each of which are leased to USEC.

In 2003, DOE removed an underground storage tank that was no longer leased to USEC. No contamination was detected in samples collected from the tank excavation, and the Fire Marshal in a letter received in March 2004 indicated that no further action was necessary.

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.

In 2004, DOE issued an Environmental Impact Statement and Record of Decision to build and operate the Depleted Uranium Hexafluoride Conversion Facility at PORTS.

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 2004.

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 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 the PORTS reservation was completed in 2003. No sensitive archaeological deposits 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 2004.

2.3.6 Executive Orders

2.3.6.1 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 2004 to comply with these requirements.

Additional Executive Order 13148 goals include pollution prevention and phasing out the procurement of ozone depleting substances. Chapter 3, Sect. 3.4, discusses pollution prevention activities at DOE PORTS, and Sect. 2.3.3.2 describes DOE PORTS compliance activities for stratospheric ozone protection.

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

Chapter 3, Sect. 3.4, provides a summary of the DOE PORTS pollution prevention program and pollution prevention activities for 2004.

2.3.6.3 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 sitewide 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 2004, no DOE activities were conducted in jurisdictional wetlands.

2.4 OTHER MAJOR ENVIRONMENTAL ISSUES AND ACTIONS

2.4.1 Environmental Program Inspections

During 2004, ten 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 2004

Date	Agency	Type	Findings
February 10-11	Ohio EPA	RCRA	See Sect. 2.4.2
May 6	Ohio EPA	X-749 Landfill and X-749/X-120 phytoremediation project	None
May 19	Ohio EPA	X-700 and X-705 sumps, X-616 closure, and X-627 Groundwater Treatment Facility	None
May 24	Ohio EPA	RCRA (X-7725 and X-326 L-cage)	None
June 9	Ohio EPA	Clean Air Act	None
June 17	Ohio EPA	X-616 closure site	None
June 9	Pike County Health Department and Ohio EPA	Closed solid waste landfills: X-749A, X-749, and X-735 (solid waste portion)	See Sect. 2.4.2
August 9-10	U.S. EPA and Ohio EPA	RCRA	See Sect. 2.4.2
October 29	Ohio EPA	X-749 Landfill	None
December 16	State Fire Marshal	X-6002 fuel storage tanks	None

2.4.2 Inspection Findings

DOE PORTS received a Notice of Violation from the U.S. EPA in 2004 for an inspection completed in June 2003. The Notice of Violation alleged that batteries had been stored for more than one year in violation of RCRA regulations; however, PORTS records indicated that the batteries in question were generated between January and June of 2003 and were shipped to a recycler in December 2003, which is less than one year of storage. Furthermore, waste regulations allow this type of material to be stored for more than a year to facilitate recycling. DOE requested that U.S. EPA rescind the Notice of Violation, and U.S. EPA responded in April 2004 that no enforcement action would be taken.

DOE received a Notice of Violation from Ohio EPA for an inspection that took place February 10-11, 2004. The alleged violations involved labeling of universal waste in storage and alleged training deficiencies. Ohio EPA indicated that DOE had returned to compliance in a letter dated April 12, 2004.

During the June 9, 2004 inspection of the X-749A Landfill, inspectors observed water seeping from the drainage layer of the landfill. Ohio EPA requested that DOE sample the water to ensure that it was not leachate from the landfill. Based on the analytical results, DOE concluded that the seepage is surface water drainage and that the landfill's drainage layer is performing as designed. Ohio EPA requested additional information to substantiate this conclusion. In December 2004, DOE submitted additional analytical data and a letter from a certified professional engineer stating that the seep locations are above the limits of waste, which indicates that the water cannot be leachate from the landfill.

DOE received a Notice of Violation from U.S. EPA for an inspection that took place August 9-10, 2004. The alleged violations involved storage of a container of sodium permanganate in a satellite accumulation area instead of a 90-day storage area (there are different regulations for these areas) and alleged inspection deficiencies for containers of mixed waste stored in the X-326 L-cage. DOE moved the container of sodium permanganate to a permitted storage area on August 10.

DOE also provided additional information about inspection procedures for the containers in question in the X-326 L-cage. These containers are 5-inch-diameter cans that hold hazardous waste with a high level of radioactivity. The cans are stored in fixed metal stands to meet nuclear criticality safety requirements in order to avoid an uncontrolled nuclear reaction. Based on this information, U.S. EPA agreed that the current inspection procedures are adequate for the containers in question in the X-326 L-cage.

2.5 UNPLANNED RELEASES

No unplanned releases from DOE PORTS were reported in 2004.

2.6 SUMMARY OF PERMITS

Appendix B lists the permits held by DOE PORTS in 2004.