



Department of Energy

Washington, DC 20585

MEMORANDUM FOR GLENN S. PODONSKY
CHIEF HEALTH AND SAFETY AND SECURITY OFFICER
OFFICE OF HEALTH, SAFETY AND SECURITY

FROM:

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SUBJECT:

Annual Site Environmental Reporting for Department of Energy
Office of Legacy Management Sites for Calendar Year 2012

The U.S. Department of Energy Office (DOE) of Legacy Management (LM) was established in 2003 to manage the Department's post-closure responsibilities at sites under LM's care and ensure the future protection of human health and the environment at those sites.

LM is submitting this attached summary and attachments to meet the intent of DOE Order 231.1B with a scaled-down approach as identified in the Annual Site Environmental Report preparation guidance. LM is committed to ensuring environmental protection, compliance, sustainability and the LM Site's efforts to ensure the validity and accuracy of the monitoring data. Please review the summary and attachments and contact Tracy Ribeiro at (303) 410-4817 if you have any comments or questions.

cc w/attachment:

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File: ADM 115.02 (rc grand junction)

\\LM 20.3\Ribeiro\8-29-13 ASER Strategy Memo (Podonsky)



Office of Legacy Management's Summary of Annual Site Environmental Reports

1.0 Reporting Requirement

Department of Energy (DOE) Order 231.1B, Environment, Safety and Health Reporting, requires that each DOE site prepare an Annual Site Environmental Report (ASER) documenting the site's environmental conditions. The ASER is submitted to DOE-Headquarters annually and is available to the public. An attachment, "ASER Reporting and Closure Sites," to DOE's Guidance for the Preparation of Department of Energy Annual Site Environmental Reports for Calendar Year 2012, dated July 13, 2013, recognizes that each Legacy Management (LM) site has unique characteristics and suggests two alternatives to the preparation of an ASER:

(1) prepare a scaled-down or streamlined version of the ASER that reflects the current nature and extent of site operations and monitoring programs, or, (2) submit documentation that provides the results of the relevant environmental monitoring programs. The following summary is submitted to meet the intent of DOE Order 231.1B with a scaled-down approach as identified in the ASER preparation guidance.

2.0 Background

LM was established in 2003 to manage the DOE's post-closure responsibilities at sites under LM's care and ensure the future protection of human health and the environment at those sites. The histories of the legacy sites vary, as do the regulatory regimes under which the sites are managed. Long-term surveillance plans (LTSPs) are prepared for the majority of the sites. These LTSPs, which are available to the public, include site descriptions, information about site history, nature and extent of contamination, institutional controls, closeout condition of the site, present and future monitoring and surveillance programs, and institutional controls. Several examples of the types of sites and their regulatory framework are provided below and in the following link: http://www.lm.doe.gov/pro_doc/references/framework.htm.

- a. LM currently manages sites where remediation was conducted in accordance with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and/or Resource Conservation and Recovery Act (RCRA) regulations. These sites were radiologically and/or chemically contaminated by federal milling, processing, research, and/or weapons-manufacturing operations.
- b. Underground nuclear testing was conducted at sites in five states for various purposes, including stimulating natural gas production and cataloging seismic detonation signatures. The Nevada Offsites refers to the sites where underground nuclear tests and experiments were performed outside of the Nevada National Security Site (formerly the Nevada Test Site).
- c. The Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978 (Title 42 *United States Code* Section 7901, as amended) provides for the remediation and regulation of uranium mill tailings at uranium mill sites addressed under Title I and Title II of UMTRCA. Title I sites are former uranium mill sites unlicensed and essentially abandoned when UMTRCA was implemented on January 1, 1978. Title I of UMTRCA designated inactive uranium-ore-processing sites for remediation. Remediation of these sites resulted

in the creation of 19 disposal cells that contain encapsulated uranium mill tailings and associated contaminated material. Title II of UMTRCA addresses reclamation of uranium mill sites that were under specific license on January 1, 1978. LM currently manages six UMTRCA Title II sites. The number will increase as ongoing site reclamations are completed.

- d. DOE established the Formerly Utilized Sites Remedial Action Program (FUSRAP) in 1974 to remediate sites where radioactive contamination remained from Manhattan Project and early U.S. Atomic Energy Commission operations. DOE assessed more than 600 candidate facilities and determined that 46 would require remediation. DOE remediated 25 sites by 1997; Congress directed the U.S. Army Corps of Engineers to remediate the remaining 21 designated FUSRAP sites. Remediation of FUSRAP sites follows CERCLA protocols. Remediated sites become LM's responsibility.
- e. LM manages five sites in the DOE Defense Decontamination and Decommissioning Program.

3.0 Summary of General Environmental Reporting

3.1 Oversight

All of the legacy sites have an LM site manager assigned to ensure that the regulatory regime for the site is followed, oversee the long-term activities of the site, and address stakeholder concerns. All reports, including environmental monitoring reports, are reviewed by the site manager and/or the team-lead for the site type. The information is thoroughly reviewed to ensure that accurate data are being reported.

3.2 Summary of Site-Specific Activities

LM currently (as of December 2012) manages the long-term care of 89 sites. LM classifies the sites into one of three categories based on the actual or anticipated long-term surveillance and maintenance activities associated with that site. The sites and their respective categories are listed in the *LM Site Management Guide*, which is issued annually. Each geographic site location will be counted as one site. This also includes geographic site locations having both a former processing site and an associated disposal site. These types of sites will also be counted as one site. Typically, the lower the category number assigned to the site, the fewer activities and environmental monitoring occur at the site, resulting in less documentation and reporting. The three tables in Attachment 1 summarize the associated monitoring and reporting performed for each site. Primary stakeholders, including state and federal regulators for the site-type, are generally sent copies or notices of electronic availability when annual inspection and monitoring reports are issued. The majority of the information identified in the tables is available on site-specific websites that can be reached from the main LM website (<http://www.lm.doe.gov/default.aspx?id=120>) or from the site specific links provided. Any additional information is available upon request.

LM is providing Attachment 1 as a summarized version of the environmental reporting in lieu of individual reports.

The three categories and count of LM sites currently within that category are:

1. Category 1 sites, listed in Table 1, are expected to require records-related activities and stakeholder support.
 - 37 sites.
 - Stakeholders have online access to historical information about these sites.
 - No data are collected for these sites.
 - Information on these sites will not be reported annually unless a change occurs in the activity level at these sites.
2. Category 2 sites, listed in Table 2, are expected to require routine inspection and maintenance, records-related activities, and stakeholder support.
 - 44 sites.
 - Annual site inspections.
 - If monitoring is required, monitoring results are available to the public.
3. Category 3 sites, listed in Table 3, are expected to require operation and maintenance of remedial action systems, routine inspection and maintenance, records-related activities, and stakeholder support.
 - 8 sites.
 - Annual site inspections.
 - Routine monitoring.
 - Includes RCRA and CERCLA sites.
 - Includes sites with active operations.
 - Multiple reports are periodically issued.
 - Routine stakeholder communications.

4.0 Summary of Environmental Management System (EMS) & Sustainability Reports

As required by prior DOE Orders and DOE Order 436.1, Departmental Sustainability, LM has a fully implemented Environmental Management System (EMS). The LM EMS public website http://www.lm.doe.gov/Office_of_Site_Operations/Environmental_Management_System.aspx describes LM's EMS and provides links to many of the documents and reports identified in this section. The LM EMS was implemented in October 2005. Full implementation of the EMS was declared by June 30, 2009. As required by DOE Order 436.1, LM had an audit by a third party, outside the scope and realm of the EMS, in early 2012 and LM verified the full implementation of our EMS on June 7, 2012.

The LM EMS is consistent with the framework of the International Organization for Standardization 14001 EMS standard and the Integrated Safety Management System (ISMS). The EMS serves as the platform for tracking and adhering to environmental requirements for compliance and sustainability. The EMS is a set of processes and practices that enable LM to

reduce its environmental impacts and increase its operating efficiency. In addition, the LM EMS implements the LM Site Sustainability Plan, which assists DOE with meeting its sustainability goals, objectives, and targets established in Executive Orders 13514 and 13423, and in DOE Order 436.1. The following programmatic documents, provided on the LM EMS website under the Guiding Documents and Links page/link, describe LM's EMS:

- a. LM's Environment, Safety, and Health Policy (LM P 450.9)
- b. LM's EMS Description
- c. LM's EMS Programs Manual

The LM EMS encompasses all LM sites under cleanup custody, and federal and contractor facilities where work is managed throughout the U.S.; all reports are programmatic summaries. Following is a summary of the submissions and postings for the EMS and Sustainability Requirements most of which are available on the LM EMS website under the Goals/Progress and Plans page/link:

- a. LM Site Sustainability Plan - describes progress towards sustainability goals and future plans. LM's annual submittal for the Pollution Prevention Tracking and Reporting System (PPTRS) is included in this Plan.
- b. Annual Energy Report, a.k.a Consolidated Energy Data Report (CEDR) - gathers information on energy and water usage, renewable energy generation, greenhouse gas emissions, high performance sustainable buildings, and sustainability projects.
- c. Energy Independence and Security Act (EISA) Section 432 Report - reports status on energy and water evaluations, benchmarking, project implementation, and measures follow up.
- d. 2012 Facility EMS Annual Report Data (EO 13423) - collects information on status of Environmental Management System.
- e. Pollution Prevention Tracking and Reporting System - collects sustainable acquisition, pollution prevention, electronics stewardship, and waste data including on-site landfill and contracted/off-site municipal solid waste disposal.
- f. Facility Information Management System (FIMS) updates - FIMS collects real property attributes and use, including a list of assets excluded from the energy intensity reduction goal. The database also stores data on buildings that have been assessed or are planned to be assessed against the High Performance Sustainable Building goals.
- g. Federal Acquisition Statistical Tool (FAST) updates - collects current and past federal fleet fuel use, vehicle inventory, and vehicle acquisitions for the current year in addition to plans two years into the future.
- h. Significant Aspects - The environmental aspect of an activity is that portion of it that creates a possibility for a significant environmental impact if not controlled.

5.0 Summary of Environmental Compliance

As described in the Background section, the LM sites are regulated under different regulatory regimes, with the category 3 sites subject to more regulatory requirements than category 1 and

2 sites. The sites that are considered CERCLA/RCRA sites have been remediated under the requirements of those statutes, with the majority under CERCLA. Under CERCLA, the sites were subject to meeting or exceeding the applicable or relevant and appropriate requirements (ARARs) of federal, state, and local laws and statutes, such as Superfund Amendments and Reauthorization Act (SARA), RCRA, the Clean Water Act (CWA), the Clean Air Act (CAA), the Safe Drinking Water Act (SDWA), UMTRCA, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the National Historic Preservation Act, the Endangered Species Act, and the associated state regulations. Because DOE is a federal agency, NEPA is also an applicable requirement.

- No Notices of Violation were issued to LM sites during calendar year (CY) 2012.
- A Letter of Warning was received by the Weldon Spring, Missouri, Site, on September 4, 2012.
- During CY 2012, LM maintained three NPDES discharge permits, two NPDES storm water permits, one CWA Nationwide permit and two RCRA permits.

5.1 Major Laws

The following summarizes LM compliance with major laws and related reporting during CY 2012:

- a. **CERCLA:** The CERCLA sites have completed remedial actions for the most part, with the exception of long-term monitoring, and have integrated the procedural and documentation requirements of CERCLA. The sites are now conducting long-term surveillance and maintenance under this regulation. The status of the activities at each site is available on the associated webpages and in the documents as listed. The CERCLA sites are required to prepare Five-Year Review reports to ensure that the remedies at the sites remain protective of human health and the environment.

Five-Year Review reports were issued for the Rocky Flats, Colorado, Site and the Monticello, Utah, Site in CY 2012.

- b. **SARA:** Emergency Planning and Community Right to Know Act (EPCRA) reports under SARA Section 312 are required annually for sites that store chemicals in amounts that exceed threshold planning quantities.
- The following sites submitted EPCRA reports under SARA 312 for CY 2012: Tuba City, Arizona; and Grand Junction, Colorado, Site.
- c. **UMTRCA Title I and II:** UMTRCA provides for the remediation and regulation of uranium mill tailings at uranium mill sites addressed under Title I and Title II of UMTRCA. As discussed in the Background section, LM manages sites under UMTRCA Title I and II, including inspecting, monitoring, and maintenance at each of the sites.
- Two summary reports of activities on UMTRCA sites, one for Title I and one for Title II, are submitted annually to the Nuclear Regulatory Commission at the conclusion of the calendar year.
- d. **RCRA:** The majority of the CERCLA/RCRA sites managed hazardous wastes during the active remediation in compliance with RCRA. Each site met the status of Conditionally Exempt Small Quantity Generator during CY 2012. No RCRA wastes were manifested

offsite during CY 2012 for any of the sites. RCRA remains an ARAR at many of the sites for disposal cell maintenance and groundwater monitoring, and the sites maintain compliance with these ARARs.

- The Pinellas, Florida, Site maintains an active RCRA Hazardous and Solid Waste Act corrective action permit issued by the State of Florida, which includes requirements for remedial action at the site under the state Global Risk-Based Corrective Action regulations. Pinellas maintains compliance with this permit. The permit was renewed in January 2012.
 - Mound also retained a RCRA permit, which remained from the time the plant was in operation. The permit was terminated in March 2012.
- e. **CWA:** Some of the sites maintain National Pollutant Discharge Elimination System (NPDES) permits issued under the CWA. These NPDES permits include discharge permits, storm water permits, and a Section 404 Nationwide Permit.
- Fernald Preserve maintains an NPDES discharge permit.
 - The Rocky Flats, Colorado, Site was issued two permits related to breaching of earthen dams. A storm water permit was issued in CY 2011 and the permit was terminated in May 2012. An additional permit was issued under the Clean Water Act Section 404 Nationwide Permit Number 43, which is still in effect. The permit will be terminated when mitigation success criteria are met. Mitigation monitoring has been conducted since the construction and revegetation work was completed in May 2012.
 - The Weldon Spring Site was issued a storm water permit in August 2012 for a building demolition project and new wastewater installation project. The site also maintains two NPDES discharge permits at this time. One permit is for a pipeline to discharge leachate as a contingency option, leachate has never been discharged under this permit. The second permit is for a sanitary waste water treatment system which was closed during 2012. The permit should be terminated in the near future.
 - The Mound site discharges treated groundwater under a CERCLA authorization to discharge to demonstrate compliance with the CWA.
- f. **SDWA:** The SDWA is an ARAR for many sites in regard to groundwater contamination. This information is detailed in the environmental monitoring reports for each site.
- g. **CAA:** National Emission Standards for Hazardous Air Pollutants (NESHAPs) monitoring has occurred at the LM Sites in the past. This type of monitoring is presently not required at any of the LM Sites.
- h. **NEPA:** NEPA requirements were integrated into many of the CERCLA documents during the ongoing cleanups. NEPA activities for the LM sites, including the Annual NEPA Planning Summary which is submitted to the DOE General Council are tracked and reported on the following website:
http://www.lm.doe.gov/Office_of_Site_Operations/Environmental_Management_System/NEPA.aspx
- i. **FIFRA:** Herbicides and pesticides are used at LM sites. Policies and procedures are in place to ensure that they are used in compliance with FIFRA.

5.2 Regulations related to Cultural and Natural Resources

5.2.1 Cultural Resources

- LM annually submits a Report on Federal Archaeology Program Activities to the DOE Office of Health, Safety and Security (HS-22) for submittal with other DOE reports to the National Park Service. The report summarizes annual activities and also reports the cumulative total of acreage surveyed to date, the number of sites on agency managed lands that were determined to be eligible, or ineligible to the National Register of Historic Places, costs associated with managing the cultural resources program, etc.
- DOE revised a programmatic agreement with the Advisory Council on Historic Preservation and the Ohio Historic Preservation Office in 2012. The major change was related to reporting on cultural resources activities on an as needed basis, instead of annually.
- LM subcontracts for cultural resources inventories prior to commencing ground disturbing activities if the area has not been previously inventoried or if it is in need of updated inventory. In CY2012, three cultural resource inventories were undertaken and no sites were found eligible to the National Register of Historic Places.

5.2.2 Natural Resources

- LM annually submits the 'Annual Accomplishments Questionnaire' to DOE HS-22. Departmental annual reports are combined and submitted to the USFWS, Council for the Conservation of Migratory Birds. This report summarizes all bird conservation activities and coordination or exchange of information with state and U.S Fish and Wildlife Service (USFWS) regional or field offices.
- LM nominated the Fernald Preserve for a Presidential Migratory Bird Federal Stewardship Award. As part of the Fernald Preserve remediation activities, ecological restoration was designed to be integrated into regional ecosystems, using vegetation native to southwestern Ohio, with portions of the Preserve actively managed to promote migratory bird habitat.
- LM participated in a revision of the Memorandum of Understanding between the U.S. Department of Energy and the U.S. Fish and Wildlife Service. The MOU states responsibilities specific to each agency related to the protection of migratory birds.
- LM evaluates the presence or potential presence of listed species or their habitat during the NEPA process. The USFWS website is used to obtain information on species occurrence and habitat. This information is combined with site knowledge, conversations with other federal agency wildlife biologists, records, and, as needed, a site visit to determine if consultation is required under the ESA. The evaluation is documented and attached to the NEPA document prepared for the proposed action. In CY 2012, LM activities did not affect any listed species.
- In some instances, water depletions from river basins may have an adverse effect on listed species inhabiting the river (e.g., fish) or river corridor (e.g., birds). LM continues to track water use related to LM site activities.

6.0 Summary of Environmental Radiological Protection Program

LM has a radiological protection program in place that is documented in the *Radiation Protection Program Plan* and *Radiological Control Manual*. LM uses this program to ensure that

radiation exposure to workers and the public and releases of radioactivity to the environment are maintained below regulatory limits and to further reduce exposures and releases to levels as low as reasonably achievable. Environmental cleanup at LM sites was completed according to all applicable statutes and regulations, and LM conducts long-term monitoring and surveillance to verify that site conditions have not changed and that established institutional controls remain effective.

7.0 Summary of Quality Assurance

Quality assurance for sampling activities at LM sites follows the *Sampling and Analysis Plan for U.S. Department of Energy Office of Legacy Management Sites* (LMS/PRO/S04351). The environmental quality assurance program includes management of the plans and procedures governing environmental monitoring at LM sites and at the subcontracted offsite laboratories. The environmental quality assurance program provides LM sites with reliable, accurate, and precise monitoring data. The environmental quality assurance program furnishes guidance, directives, and quality control procedures to detect and prevent quality control problems from the time of sample collection through analysis and reporting of data. Key elements in achieving the goals of this program are compliance with the quality assurance program and environmental quality assurance program procedures; the use of quality control samples; complete documentation of field activities and laboratory analyses; sample analysis by subcontracted offsite laboratories that participate in the Consolidated Audit Program and the Mixed Analyte Performance Evaluation Program; and reviews of data documentation for precision, accuracy, and completeness (data validation).

8.0 Summary of Unique Occurrences

This section identifies unique environmental activities and reports that LM generates in any given year, as requested by the ASER preparation guidance. The following are examples of what may be identified (as applicable): Awards, violations, lawsuits, environmental reports related to non-legacy sites under LM's management (e.g., Calibration Models/Pads and Uranium Leasing Program), and environmental occurrences

- a. **Violations:** The Weldon Spring, Missouri, Site, maintains a NPDES permit for the point source discharge of treated sanitary sewage. On April 23, 2012, sample results were received that revealed the daily maximum limit for total residual chlorine had been exceeded. The NPDES permit for the wastewater treatment plant specifies a maximum daily effluent discharge limit of 1.0 mg/L. A routine sample taken on April 11, showed a result of 1.5 mg/L. According to standard conditions for the NPDES permit, Part I requires that the Missouri Department of Natural Resources (MDNR) be notified in writing within 5 days if a daily maximum is exceeded. A letter notifying the state of the exceedance and potential corrective actions was sent on April 26, 2012. A standard Letter of Warning response was received from MDNR on September 4, 2012. The letter stated "If you have already provided this information to the Department, you may disregard this request." On September 19, the site provided additional clarification documentation to MDNR to officially close out the warning letter.
- b. **Occurrence Reports:**

- LM-STOL-WSS-2012-0001: Weldon Spring- Total Residual Chlorine Excursion
 - LM-STOL-WSS-2012-00002: Weldon Spring- Receipt of Letter of Warning for Exceedence of Permitted Chlorine Limit
- c. Lawsuits: Identified below are lawsuits to which DOE and LM were involved parties during 2012.

1. Uranium Leasing Program (ULP) Lawsuit

Colorado Environmental Coalition v. Office of Legacy Management, 819 F. Supp. 2d 1193 (D. Colo. 2011), amended on reconsideration, 2012 U.S. Dist. LEXIS 24126 (D. Colo. Feb. 27, 2012).

In July 31, 2008, a lawsuit was filed against the DOE in the United States District Court for the District of Colorado (CEC v. DOE), on behalf of four environmental organizations. The complaint alleged that (1) DOE violated the National Environmental Policy Act (NEPA) multiple times during the last few years by its actions taken in conjunction with the DOE ULP, including the entire programmatic environmental assessment process; and (2) through its actions, DOE is responsible for the resurgence of activity within the domestic uranium industry.

On March 26, 2010, the Plaintiffs in the lawsuit, CEC v DOE, amended their complaint to add alleged violations of the Endangered Species Act. Additionally, as part of the amended complaint, a fifth environmental organization joined the Plaintiffs.

On October 18, 2011, the Court issued an adverse ruling in the case. The Court invalidated the 2007 Programmatic Environmental Assessment and Finding of No Significant Impact and enjoined DOE from leasing-related activities.

On December 9, 2011, DOE filed a motion with the Court to reopen and reconsider the previous decision. On February 27, 2012, the District Court granted in part DOE's motion for reconsideration and modified its injunction in order to permit DOE and the ULP lessees to conduct only certain specified activities that are absolutely necessary.

On April 30, 2013, DOE and the Plaintiffs signed, and filed with the court, a joint stipulation to settle the Plaintiffs' claim for payment of their attorneys' fees and costs. DOE agreed to settle Plaintiffs' claim by payment in the amount of \$200,000.00. Of that amount, LM paid \$170,000.00 to the Plaintiffs; the remainder was paid by the Department of Justice's Judgment Fund.

2. El Paso Lawsuit

El Paso Natural Gas Co. v. US, 632 F.3d 1272 (D.C. Cir. 2011).

The El Paso Natural Gas Co. (EPNG) filed suit in May 2007 against the U.S. (numerous agencies), claiming, among other things, that DOE failed to designate certain sites as vicinity properties during the Uranium Mill Tailings Radiation Control Act (UMTRCA) cleanup of the Tuba City Mill Site on the Navajo Reservation in Arizona. EPNG also claimed that if UMTRCA did not apply, then the Resource Conservation and Recovery Act (RCRA) applied. EPNG asked for a judgment under UMTRCA declaring that DOE is exclusively responsible for the remediation of the groundwater and soil at the sites allegedly contaminated by

residually radioactive uranium mill waste materials. Under the alternative RCRA claim, EPNG is seeking a permanent injunction ordering the U.S. to perform cleanup activities necessary to abate present and imminent threats to human health or the environment caused by U.S. treatment, storage, disposal or management of solid, hazardous or radioactive waste and is seeking further appropriate civil penalties to be paid to the U.S. Treasury. Because EPNG was a former operator of the mill site it also asked for the U.S. to prospectively reimburse it for the cost of all cleanup activities which EPNG may be ordered or required to perform at the specified sites.

The Navajo Nation filed to intervene and became party to the lawsuit in May 2009. In addition to alleging the same violations raised by EPNG's RCRA and UMTRCA claims, the Tribe also alleged various other claims under federal and tribal law. Numerous court rulings favoring the U.S. followed, including a subsequent appeal by the Plaintiffs upholding the dismissal of the UMTRCA claims. The Court of Appeals affirmed, finding the claim was not subject to judicial review, and the canon of statutory interpretation directing courts to construe statutes in favor of Native Americans did not apply to UMTRCA. Most recently the U.S. District Court for the District of Columbia ruled in March 2012 to dismiss the lawsuit. In May 2012, both EPNG and the Navajo Nation filed appeals, seeking review of the District Court's final judgment and previous rulings.

The DC Circuit has scheduled oral argument for Monday, September 23, 2013.

3. Church Rock Lawsuit

General Electric Co. v. US, Civil Action No. 1:10-CV-00404 (N.M. Dist. Ct. 2011).

On April 26, 2010, Plaintiffs, General Electric Company (GE) and United Nuclear Corporation (UNC), brought action against the United States Department of the Interior, the United States Bureau of Indian Affairs, the United States Department of Energy, and the United States Nuclear Regulatory Commission seeking declaratory relief, cost recovery, and contribution under CERCLA for Defendants' actions at the Northeast Church Rock Mine site (the Site).

Plaintiffs sought to recover or obtain contribution for certain costs allegedly incurred in response to the release or threatened release of hazardous substances at the Site, as well as a declaration as to the liability of the U.S. for costs to be incurred at the Site in the future. After GE and UNC filed their complaint in April 2010, the Parties agreed to a series of extensions of the United States' answer date to allow time for settlement negotiations. Defendants filed an answer and a counterclaim against UNC on April 25, 2011. On May 19, 2011 UNC filed its answer to the Defendants' counterclaim. A consent decree was filed on September 1, 2011 resolving any and all claims potentially asserted by the Plaintiffs against the U.S., establishing cost allocation, but not addressing liability or issues of fact or law.

Under the consent decree, GE and UNC agreed not to sue the U.S. and released all claims or causes of action under CERCLA. Additionally, GE and UNC agreed to indemnify and hold harmless the U.S. against all future claims or causes of actions with regard to the contamination at the Site. The court found that the U.S. was entitled to contribution protection under CERCLA Section 1130(1), 42 U.S.C. § 96130(1), and the U.S. agreed to pay Plaintiffs the sum of \$2,523,124.00 to reimburse a portion of their past response costs, and to pay a defined percentage of

any future response costs incurred by Plaintiffs at the Site. The Consent Decree was entered by the district court on January 11, 2012. This case is now closed.

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Attachment 1

Legacy Management Sites and Related Reports

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TABLE 1: CATEGORY 1 SITES

(Typically involves records-related activities and stakeholder support)

Acid/Pueblo Canyon, NM, Site http://www.lm.doe.gov/Acid/Sites.aspx
Adrian, MI, Site http://www.lm.doe.gov/Adrian/Sites.aspx
Albany, OR, Site http://www.lm.doe.gov/Albany/Sites.aspx
Aliquippa, PA, Site http://www.lm.doe.gov/Aliquippa/Sites.aspx
Ashtabula, OH, Site http://www.lm.doe.gov/Ashtabula/Sites.aspx
Bayo Canyon, NM, Site http://www.lm.doe.gov/bayo/Sites.aspx
Berkeley, CA, Site http://www.lm.doe.gov/berkeley/Sites.aspx
Beverly, MA, Site http://www.lm.doe.gov/beverly/Sites.aspx
Buffalo, NY, Site http://www.lm.doe.gov/buffalo/Sites.aspx
Center for Energy and Environmental Research, PR, Site http://www.lm.doe.gov/CEER/Sites.aspx
Chicago North, IL, Site http://www.lm.doe.gov/chicago_north/Sites.aspx
Chicago South, IL, Site http://www.lm.doe.gov/chicago_south/Sites.aspx
Chupadera Mesa, NM, Site http://www.lm.doe.gov/chupadera/Sites.aspx
Columbus East, OH, Site http://www.lm.doe.gov/columbus_east/Sites.aspx
Columbus, OH, Site http://www.lm.doe.gov/Columbus/Sites.aspx
El Verde, PR, Site http://www.lm.doe.gov/El_Verde/Sites.aspx
Fairfield, OH, Site http://www.lm.doe.gov/fairfield/Sites.aspx
General Atomics Hot Cell Facility, CA, Site http://www.lm.doe.gov/general_atomic/Sites.aspx
Geothermal Test Facility, CA, Site http://www.lm.doe.gov/geothermal/Sites.aspx
Granite City, IL, Site http://www.lm.doe.gov/granite_city/Sites.aspx
Hamilton, OH, Site http://www.lm.doe.gov/hamilton/Sites.aspx
Indian Orchard, MA, Site http://www.lm.doe.gov/indian_orchard/Sites.aspx
Jersey City, NJ, Site http://www.lm.doe.gov/jersey_city/Sites.aspx
Madison, IL, Site http://www.lm.doe.gov/madison/Sites.aspx
Maxey Flats, KY, Disposal Site http://www.lm.doe.gov/maxey_flats/Sites.aspx
Middlesex North, NJ, Site http://www.lm.doe.gov/middlesex_north/Sites.aspx
Missouri University Research Reactor, MO, Site http://www.lm.doe.gov/murr/Sites.aspx
New York, NY, Site http://www.lm.doe.gov/new_york/Sites.aspx
Niagara Falls Vicinity Properties, NY, Site http://www.lm.doe.gov/niagara/vicinity/Sites.aspx
Oak Ridge, TN, Warehouses Site http://www.lm.doe.gov/oakridge/Sites.aspx
Oxford, OH, Site http://www.lm.doe.gov/oxford/Sites.aspx
Oxnard, CA, Site http://www.lm.doe.gov/oxnard/Sites.aspx
Seymour, CT, Site http://www.lm.doe.gov/seymour/Sites.aspx
Springdale, PA, Site http://www.lm.doe.gov/springdale/Sites.aspx
Toledo, OH, Site http://www.lm.doe.gov/toledo/Sites.aspx
Tonawanda North, NY, Site Unit 1 http://www.lm.doe.gov/tonawanda/Sites.aspx
Tonawanda North, NY, Site Unit 2 http://www.lm.doe.gov/tonawanda/Sites.aspx

TABLE 2: CATEGORY 2 SITES

(Typically involves routine inspection and maintenance, records-related activities, and stakeholder support)

SITE NAME	Type of Data Collected					Where Data is Reported				
	Inspection	Groundwater and/or surface water monitoring	Production Water and Gas Monitoring	Air Monitoring	Other Environmental Monitoring (Biological, soil, etc.)	Site Inspection Report	CERCLA Five-Year Review Report	Annual Site Inspection and Monitoring Report for UMRCA Title I or Title II Sites	Environmental Monitoring Report *	GEMS**
UMTRCA Sites										
Ambrosia Lake, NM, Disposal Site http://www.lm.doe.gov/Ambrosia/Sites.aspx	x	x						x	x	x
Bluewater, NM, Disposal Site http://www.lm.doe.gov/bluewater/Sites.aspx	x	x						x	x	x
Burrell, PA, Disposal Site http://www.lm.doe.gov/burrell/Sites.aspx	x	x						x	x	x
Canonsburg, PA, Disposal Site http://www.lm.doe.gov/canonsburg/Sites.aspx	x	x						x	x	x
Durango, CO, Processing Site http://www.lm.doe.gov/Durango/Processing/Sites.aspx		x						x	x	x
Durango, CO, Disposal Site http://www.lm.doe.gov/Durango/Disposal/Sites.aspx	x	x						x	x	x
Edgemont, SD, Disposal Site http://www.lm.doe.gov/edgemont/Sites.aspx	x				x			x		x
Falls City, TX, Disposal Site http://www.lm.doe.gov/falls/Sites.aspx	x	x						x		x
Green River, UT, Disposal Site http://www.lm.doe.gov/green_river/Sites.aspx	x	x						x	x	x
Gunnison, CO, Processing Site http://www.lm.doe.gov/Gunnison/Processing/Sites.aspx	x	x							x	x
Gunnison, CO, Disposal Site http://www.lm.doe.gov/Gunnison/Disposal/Sites.aspx	x	x						x	x	x
Lakeview, OR, Processing Site http://www.lm.doe.gov/Lakeview/Processing/Sites.aspx		x							x	x
Lakeview, OR, Disposal Site http://www.lm.doe.gov/Lakeview/Disposal/Sites.aspx	x	x						x	x	x
L-Bar, NM, Disposal Site http://www.lm.doe.gov/Lbar/Sites.aspx	x	x						x	x	x
Lowman, ID, Disposal Site http://www.lm.doe.gov/lowman/Sites.aspx	x							x		x
Maybell, CO, Disposal Site http://www.lm.doe.gov/Maybell/Sites.aspx	x							x		x
Maybell West, CO, Disposal Site http://www.lm.doe.gov/Maybell_West/Sites.aspx	x							x		x
Mexican Hat, UT, Disposal Site http://www.lm.doe.gov/Mexican_Hat/Sites.aspx	x							x		x
Monument Valley, AZ, Processing Site http://www.lm.doe.gov/MonValley/Sites.aspx		x			x				x	x

TABLE 2: CATEGORY 2 SITES

(Typically involves routine inspection and maintenance, records-related activities, and stakeholder support)

SITE NAME	Type of Data Collected					Where Data is Reported				
	Inspection	Groundwater and/or surface water monitoring	Production Water and Gas Monitoring	Air Monitoring	Other Environmental Monitoring (Biological, soil, etc.)	Site Inspection Report	CERCLA Five-Year Review Report	Annual Site Inspection and Monitoring Report for UMTRCA Title I or Title II Sites	Environmental Monitoring Report *	GEMS**
Naturita, CO, Processing Site http://www.lm.doe.gov/Naturita/Processing/Sites.aspx		x							x	x
Naturita, CO, Disposal Site http://www.lm.doe.gov/Naturita/Disposal/Sites.aspx	x	x						x	x	x
Rifle, CO, Old Rifle Processing Site http://www.lm.doe.gov/Rifle/Old_Processing/Sites.aspx	x	x							x	x
Rifle, CO, New Processing Site http://www.lm.doe.gov/Rifle/New_Processing/Sites.aspx	x	x							x	x
Rifle, CO, Rifle Disposal Site http://www.lm.doe.gov/Rifle/Disposal/Sites.aspx	x	x						x	x	x
Riverton, WY, Processing Site http://www.lm.doe.gov/Riverton/Sites.aspx		x							x	x
Salt Lake City, UT, Processing Site http://www.lm.doe.gov/Salt_Lake/Processing/Sites.aspx										
Salt Lake City, UT, Disposal Site http://www.lm.doe.gov/Salt_Lake/Disposal/Sites.aspx	x							x		x
Sherwood, WA, Disposal Site http://www.lm.doe.gov/sherwood/Sites.aspx	x	x			x			x		x
Shirley Basin South, WY, Disposal Site http://www.lm.doe.gov/Shirley_Basin/Sites.aspx	x	x						x	x	x
Slick Rock, CO, Processing Site http://www.lm.doe.gov/Slick_Rock/Processing/Sites.aspx		x							x	x
Slick Rock, CO, Disposal Site http://www.lm.doe.gov/Slick_Rock/Disposal/Sites.aspx	x							x		x
Spook, WY, Disposal Site http://www.lm.doe.gov/Spook/Sites.aspx	x							x		x
Decontamination and Decommissioning (D&D)										
BONUS, PR, Decommissioned Reactor, Site http://www.lm.doe.gov/bonus/Sites.aspx	x					x				x
Grand Junction, CO, Site http://www.lm.doe.gov/Grand_Junction/Sites.aspx		x							x	x
Hallam, NE, Decommissioned Reactor, Site http://www.lm.doe.gov/hallam/Sites.aspx	x	x							x	x
Piqua, OH, Decommissioned Reactor, Site http://www.lm.doe.gov/Piqua/Sites.aspx	x					x				x
Site A / Plot M, IL, Decommissioned Reactor, Site http://www.lm.doe.gov/SiteA_PlotM/Sites.aspx	x	x				x			x	x
Other										
Amchitka, AK, Site http://www.lm.doe.gov/Amchitka/Sites.aspx	x				x				x	x

TABLE 2: CATEGORY 2 SITES

(Typically involves routine inspection and maintenance, records-related activities, and stakeholder support)

SITE NAME	Type of Data Collected					Where Data is Reported				
	Inspection	Groundwater and/or surface water monitoring	Production Water and Gas Monitoring	Air Monitoring	Other Environmental Monitoring (Biological, soil, etc.)	Site Inspection Report	CERCLA Five-Year Review Report	Annual Site Inspection and Monitoring Report for UMTRCA Title I or Title II Sites	Environmental Monitoring Report *	GEMS**
Central Nevada Test Area, NV, Site http://www.lm.doe.gov/CNTA/Sites.aspx	x	x							x	x
Chariot, AK, Site http://www.lm.doe.gov/chariot/Sites.aspx	x					x				
Gasbuggy, NM, Site http://www.lm.doe.gov/Gasbuggy/Sites.aspx	x	x	x						x	x
Gnome-Coach, NM, Site http://www.lm.doe.gov/Gnome/Sites.aspx	x	x				x			x	x
Inhalation Toxicology Laboratory, NM, Site http://www.lm.doe.gov/ITL.pdf										
Parkersburg, WV, Disposal Site http://www.lm.doe.gov/parkersburg/Sites.aspx	x	x				x			x	x
Rio Blanco, CO, Site http://www.lm.doe.gov/Rio_Blanco/Sites.aspx	x	x	x						x	x
Rulison, CO, Site http://www.lm.doe.gov/Rulison/Sites.aspx	x	x	x						x	x
Salmon, MS, Site http://www.lm.doe.gov/salmon/Sites.aspx	x	x				x			x	x
Shoal, NV, Site http://www.lm.doe.gov/Shoal/Sites.aspx	x	x							x	x
FUSRAP Sites										
New Brunswick, NJ, Site http://www.lm.doe.gov/New_Brunswick/Sites.aspx	x								x	
Wayne, NJ, Site http://www.lm.doe.gov/Wayne/Sites.aspx										
CERCLA/RCRA Sites										
Laboratory for Energy Related Health Research, CA, Site http://www.lm.doe.gov/LEHR/Sites.aspx	x	x					x		x	x

*Types of Environmental Monitoring Reports include

- Data Validation Packages
- Verification Monitoring Reports
- Groundwater Monitoring Reports
- Hydrologic and Natural Gas Sampling and Analysis Report
- Protectiveness Certification sent to State of New Jersey based on biennial inspection.

** GEMS—Geospatial Environmental Mapping System: Designed to provide dynamic mapping and environmental monitoring data display for sites managed by LM. Site-specific data are available via GEMS on the site webpage.

TABLE 3: CATEGORY 3 SITES

(Typically involves operation and maintenance of remedial action system, routine inspection and maintenance, records-related activities, and stakeholder support)

SITE NAME	TYPE OF DATA COLLECTED						WHERE DATA IS REPORTED						
	Inspection	Groundwater and/or surface water monitoring Data	Discharge Monitoring	Air Monitoring	Other Environmental Monitoring (Biological, soil, etc.)	Chemical inventories****	Annual Site Inspection Report	CERCLA Five-Year Report	Annual Title I or Title II Compliance Report	EPCRA Report	NPDES Report	Environmental Monitoring Report*	GEMS**
UMTRCA Sites													
Grand Junction, CO, Processing Site http://www.lm.doe.gov/Grand_Junction_DP/Processing/Sites.aspx	x	x											
Grand Junction, CO, Disposal Site http://www.lm.doe.gov/Grand_Junction_DP/Disposal/Sites.aspx	x	x				x		x			x	x	
Shiprock, NM, Disposal Site http://www.lm.doe.gov/Shiprock/Sites.aspx	x	x			x			x			x	x	
Tuba City, AZ, Disposal Site http://www.lm.doe.gov/Tuba/Sites.aspx	x	x	x			x		x	x		x	x	
CERCLA/RCRA Sites													
Fernald, OH, Site*** http://www.lm.doe.gov/Fernald/Sites.aspx	x	x	x		x	x	x	x		x	x	x	
Monticello, UT, Processing Site http://www.lm.doe.gov/Monticello/Sites.aspx	x	x	x		x		x	x			x	x	

TABLE 3: CATEGORY 3 SITES

(Typically involves operation and maintenance of remedial action system, routine inspection and maintenance, records-related activities, and stakeholder support)

SITE NAME	TYPE OF DATA COLLECTED						WHERE DATA IS REPORTED						
	Inspection	Groundwater and/or surface water monitoring Data	Discharge Monitoring	Air Monitoring	Other Environmental Monitoring (Biological, soil, etc.)	Chemical inventories****	Annual Site Inspection Report	CERCLA Five-Year Report	Annual Title I or Title II Compliance Report	EPCRA Report	NPDES Report	Environmental Monitoring Report*	GEMS**
Monticello, UT, Disposal Site http://www.lm.doe.gov/Monticello/Sites.aspx	X	X	X				X	X				X	X
Mound, OH, Site http://www.lm.doe.gov/Mound/Sites.aspx	X	X	X			X	X			X		X	X
Pinellas County, FL, Site http://www.lm.doe.gov/pinellas/Sites.aspx		X	X			X						X	X
Rocky Flats, CO, Site http://www.lm.doe.gov/Rocky_Flats/Sites.aspx	X	X	X		X	X	X	X				X	X
Weldon Spring, MO, Site http://www.lm.doe.gov/Weldon/Sites.aspx	X	X	X			X	X	X		X		X	X

*Types of Environmental Monitoring Reports include

- Data Validation Packages
- Verification Monitoring Reports
- Groundwater Monitoring Reports
- Hydrologic and Natural Gas Sampling and Analysis Report

** GEMS – Geospatial Environmental Mapping System: Designed to provide dynamic mapping and environmental monitoring data display for sites managed by the U.S. Department of Energy Office of Legacy Management. Site-specific data is available via GEMS on the respective site webpage.

*** This site has an Annual Site Environmental Report.

**** Certain sites conduct chemical inventories to ensure compliance with EPCRA.