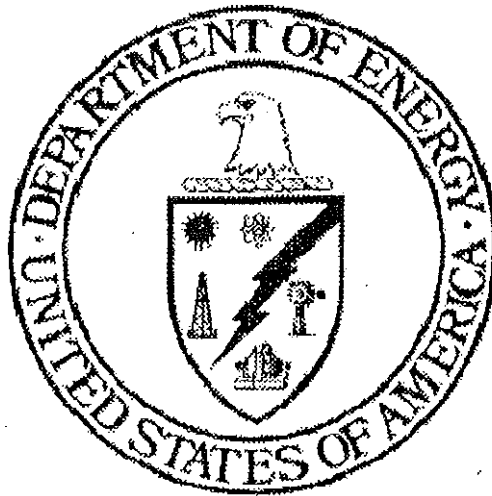


Environmental Assessment Disposition of Mound Plant's South Property



Prepared by:

**The U.S. Department of Energy
Miamisburg Environmental Management Project**

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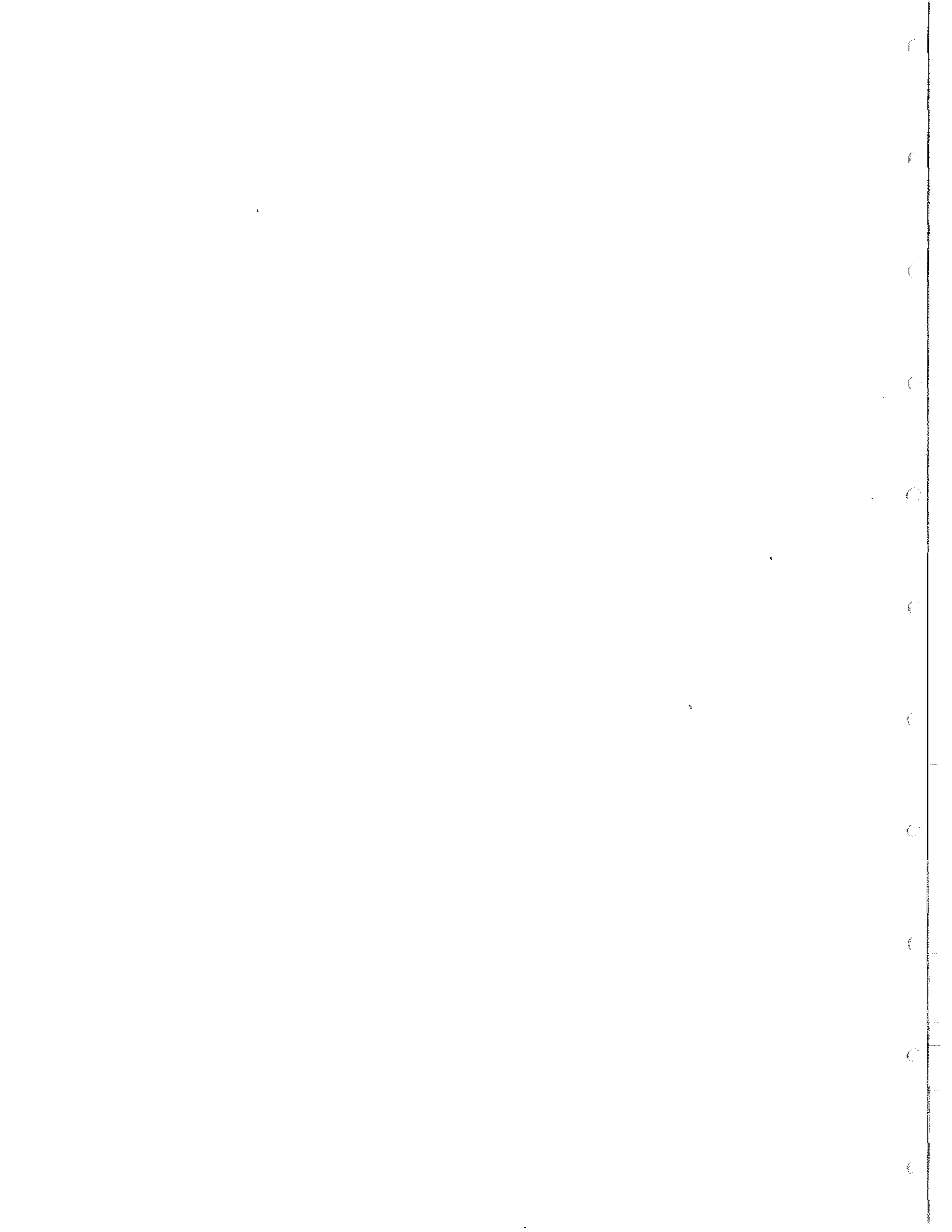
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ACRONYMS

ALARA	As Low As Reasonably Achievable
ATD	Authorization to Discharge
ATSDR	Agency for Toxic Substances and Disease Registry
BVA	Buried Valley Aquifer
BWO	Babcock & Wilcox of Ohio, Inc.
CBD	Commerce Business Daily
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
COE	(U.S. Army) Corps of Engineers
CRO	Community Reuse Organization
CRP	Comprehensive Reuse Plan
D&D	Decontamination and Decommissioning
DMNH	Dayton Museum of Natural History
DOE	U. S. Department of Energy
DP&L	Dayton Power and Light Company
DP	Defense Programs
EA	Environmental Assessment
EDA	Economic Development Administration
EM	Environmental Management
EG&G Mound	EG&G Mound, a former operating contractor for the Mound Plant
FEMA	Federal Emergency Management Agency
FFA	Federal Facility Agreement
FONSI	Finding of No Significant Impact
FR	Federal Register
FWS	Fish and Wildlife Service
GSA	General Services Administration
HAP	Hazardous Air Pollutant
LMI	Labor Market Information, Division of the Ohio Bureau of Employment Services
LOMA	Letter of Map Amendment
MCL	Maximum Contaminant Level
MEK	Methyl Ethyl Ketone
MEMP	Miamisburg Environmental Management Project
MGD	Millions of gallons per day
MMCIC	Miamisburg Mound Community Improvement Corporation
MOU	Memorandum of Understanding
MRC	Mound Reuse Committee
MSA	Metropolitan Statistical Area
NAAQS	National Ambient Air Quality Standards
NE	Nuclear Energy
NEPA	National Environmental Policy Act of 1969

ACRONYMS (CONTINUED)

NESHAPs	National Emission Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List ("Superfund" List)
ODNR	Ohio Department of Natural Resources
OEPA	Ohio Environmental Protection Agency
OHPO	Ohio Historic Preservation Office
ORC	Ohio Revised Code
OU	Operable Unit
PM-10	Inhalable particulate matter less than 10 micrometers in size
POTW	Publicly Owned Treatment Works
PPM	Parts Per Million
PRS	Potential Release Site
PSI	Pollutant Standards Index
RAPCA	Regional Air Pollution Control Agency
RfC	Reference Concentration
ROD	Record of Decision
ROI	Region of Interest
RRE	Residual Risk Evaluation
SFHA	Special Flood Hazard Area
SIP	State Implementation Plan
SM-PP	Special Metallurgical-Plutonium Processing
SOF	Statement of Findings
TRI	Toxic Release Inventory
USACE	U.S Army Corps of Engineers
USEPA	U. S. Environmental Protection Agency
VOC	Volatile Organic Compound



1.0 PURPOSE AND NEED FOR DOE ACTION

The proposed action for this Environmental Assessment (EA) is the disposition of U. S. Department of Energy (DOE)-owned land located at the Mound Plant in Miamisburg, Ohio. The Mound Plant, now known as the Miamisburg Environmental Management Project (MEMP), is located approximately 10 miles southwest of Dayton, Ohio (Figure 1-1). The subject land includes two components: the undeveloped southern portion of the site, referred to as the South Property, and the production well fields (see Figure 1-2).

These properties have been determined to be excess to DOE's long-term needs. This decision is supported by the following references: the *Nonnuclear Consolidation Environmental Assessment* (DOE 1993) and associated Finding of No Significant Impact (FONSI) dated September 14, 1993, and the Memorandum of Understanding (MOU) between the DOE Defense Programs (DP), Environmental Management (EM) and Nuclear Energy (NE) programs dated August 1, 1995.

In order to meet the programmatic need to disposition land determined to be excess to DOE's needs, the proposed action is to disposition the property in Figure 1-2 to the Community Reuse Organization (CRO) designee, the Miamisburg Mound Community Improvement Corporation. It is anticipated that the property would be released in phases, as certain parcels of the property are still in use or are not yet suitable for transfer.

Figure 1-1. Location of the Mound Plant.

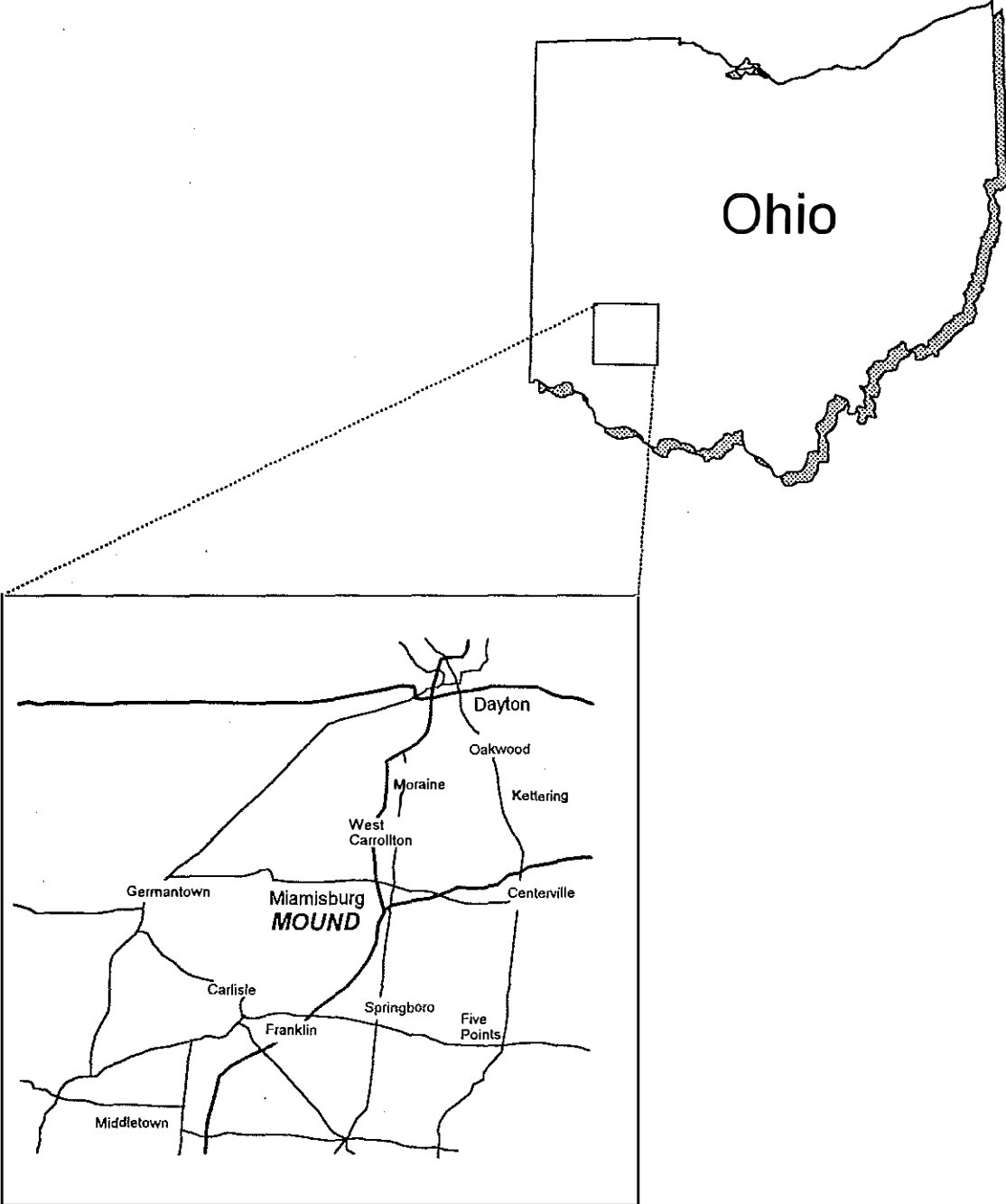
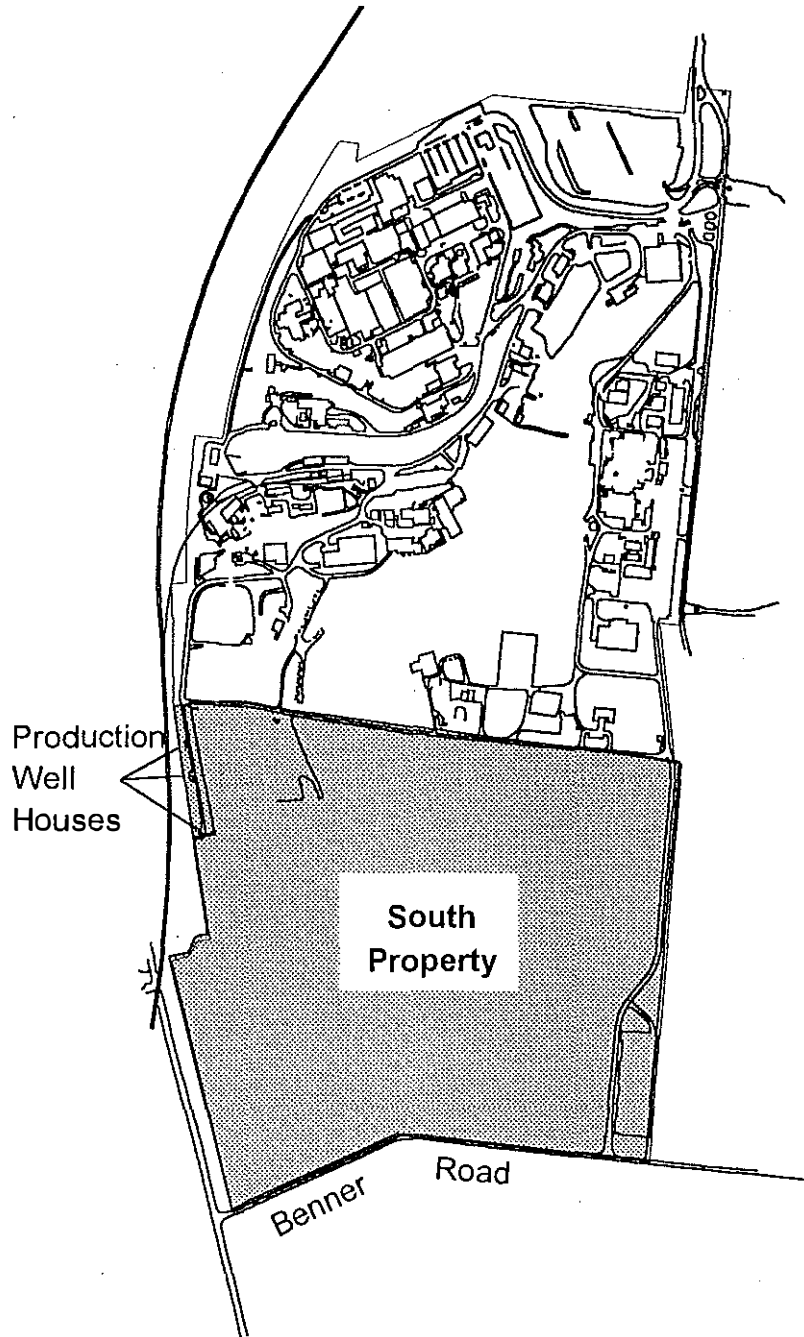


Figure 1-2. Location of the Proposed Action on the Mound Plant Site.



2.0 PROPOSED ACTION AND ALTERNATIVES

2.1 Proposed Action

The proposed action would transfer title of the subject property to the CRO designee, the Miamisburg Mound Community Improvement Corporation (MMCIC) via a Quit Claim Deed. Approximately 123 acres of land would be transferred. Development of the South Property would be limited to an "industrial use" standard consistent with the exposure assumptions provided in the *Mound 2000 Residual Risk Evaluation Methodology* (DOE 1997a) and endorsed by both the U.S. Environmental Protection Agency (US EPA) and Ohio Environmental Protection Agency (OEPA). Development of the South Property for industrial and commercial purposes would also be consistent with the *Miamisburg Mound Comprehensive Reuse Plan* (MMCIC 1997), hereinafter referred to as the CRP, for Mound as a whole. On behalf of the DOE Office of Community and Worker Transition, the Economic Development Administration (EDA) of the Department of Commerce approved the CRP on December 29, 1997, as a viable Community Transition Plan.

2.1.1 Miamisburg Mound Community Improvement Corporation

The closure of the DOE Mound facility led to the establishment of the MMCIC. The MMCIC is a not-for-profit corporation established by the City of Miamisburg to redevelop and reuse the Mound site, as well as transfer Mound assets for reuse. The MMCIC was chartered with the vision of establishing the former Mound site as an economically viable, privately owned technology and industry center by the Year 2005 -- the *Mound Advanced Technology Center*.

The MMCIC's primary role is to ensure the Mound site is converted to its best use, achieving the economic development objectives of the community, and replacing the economic and fiscal losses that are being effected by the closure of the facility. In response to the challenges presented by the commercialization of the Mound facility, the MMCIC developed the aforementioned *Miamisburg Mound Comprehensive Reuse Plan* or CRP. The CRP details the MMCIC's long-range development plan and implementation strategy for the Mound transition, including marketing strategies, physical opportunities and constraints of the site, and financial implications of plans to repair, renovate and upgrade Mound facilities in order to create a marketable site.

From the community's perspective, the technology and industrial park strategy is considered the highest and best use of the site, primarily because it works within the limitations created by environmental constraints, market, financial, and political realities, as well as local economic development goals. At

present, the MMCIC's focus is on the commercialization of the Mound site. The intent of the transition effort is to: abate the loss of jobs and unique technological capabilities; provide continued economic benefits to the Mound workforce, the local community, the region, the state and Federal government; transfer a site cleaned to "industrial use" standards to the local community; and successfully transition the Mound site to private businesses. The MMCIC serves as the prime interface between the DOE and the City of Miamisburg, as well as the Mound Reuse Committee (MRC), a key stakeholder group.

2.1.2 Mound Reuse Committee

The MRC is a nonpartisan, broadly representative, independent advisory committee of 12 citizens representing various community interests and stakeholder groups. The MRC serves as the conduit for public and key stakeholder input regarding future land uses and environmental cleanup standards at Mound. The primary mission of the MRC is to provide informed recommendations and advice to the MMCIC, the City of Miamisburg, and to other government entities on major issues and decisions related to transition activities. The major focus of the MRC is on efforts to reuse, redevelop and commercialize the Mound facility's buildings, equipment and property, while protecting the environment and maximizing the human, technological, and research opportunities that exist at the site.

2.2 Other Alternatives Considered

2.2.1 Sale to Another Landlord

While the proposed action is to transfer property to the MMCIC, an alternative action would be to transfer property to another interested stakeholder. This alternative was offered via a Commerce Business Daily announcement (CBD 1996). In that announcement, DOE indicated its intent to sell the entire Mound Plant (306 acres) to the MMCIC, under the authority of Section 161g of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201[g]). Expressions of interest in the property were solicited, including a general description of the intended use of the property and any specific property needs the user may require. This information was required to ensure that future development of the property would be consistent with the MMCIC's site vision. Three parties responded to the CBD Notice, expressing an interest in future real property transactions through the MMCIC. No parties expressed an interest in, or concern over, the DOE's plans to sell the Mound Plant, as a whole, to the MMCIC for purposes of economic redevelopment.

2.2.2 Long Term Lease

An alternative action would be to execute a long-term lease of the South Property. If this action were pursued, DOE would retain ownership while the property was developed pursuant to the industrial use standard described above. This alternative does not meet the purpose and need of dispositioning excess land.

2.2.3 Disposition Property to General Services Administration (GSA)

An additional alternative action would be to disposition the excess property through the GSA, either through the direct transfer of the property to the GSA (where DOE retains responsibility for surveillance and maintenance costs for no longer than five calendar quarters), or through GSA acting as a broker for DOE (where DOE retains responsibility for surveillance and maintenance costs until the property is sold). Both GSA disposition scenarios would lead to the same ultimate outcomes and, accordingly, may be treated as a single alternative. While this alternative meets the purpose and need of dispositioning excess land, it does not meet the underlying goals for redevelopment.

2.2.4 No Action

If DOE were to take no action, the land would be retained by DOE and continue in its current use (i.e. undeveloped land). This alternative does not provide a means of meeting the purpose and need of dispositioning excess property.

2.3 Scope of Environmental Assessment

This EA conforms to the requirements of the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) implementing the National Environmental Policy Act of 1969 (NEPA) and DOE NEPA implementing regulations (10 CFR 1021).

The EA analysis does not limit the disposition of the subject property to the MMCIC; rather, the CRP serves as the most likely scenario for future development of the property. Accordingly, the CRP provides a convenient method to bound the impacts to human health and the environment that are evaluated in this EA.

The CRP outlines the joint efforts and joint interests of the community, the MMCIC and the DOE. To this end, three goals are common to all of the groups involved in seeking a successful reuse of the Mound:

- an environmentally clean site;
- successful transition of the Mound; and
- creation of a private research and industrial park.

Although overlapping in many ways, each of the three groups has goals that are specific to that group.

Community Goals:

- jobs, salaries and salary tax contribution;
- an economic and technological asset for the region; and
- positive visual and physical asset (“a good neighbor”).

MMCIC Goals:

- jobs and economic development;
- mitigate the economic impact of closure upon employees and community;
- financially viable plan; and
- achieve revenues sufficient to complete transition.

DOE Goals:

- eliminate DOE’s landlord responsibilities;
- minimize cleanup costs to the taxpayers; and
- complete cleanup and transition by 2005.

As concluded in the CRP, the strategy best suited for meeting these goals involves transfer of property to the MMCIC with the intent for redevelopment as mixed-use research and light industry.

This EA therefore focuses on the impact analysis of the proposed alternative, i.e., land transfer. The South Property is projected to be redeveloped as a mixed-use research and light industrial park; the well field is projected to remain in service as a source of potable and service water.

3.0 AFFECTED ENVIRONMENT

3.1 Land Use

3.1.1 Mound Plant

The Mound Plant is a DOE-owned facility located on a 306-acre site in Miamisburg, Ohio. The location is south of the City of Dayton, Ohio (see Figure 1-1) and is now referred to as the Miamisburg Environmental Management Project (MEMP). MEMP closure activities are being conducted for DOE by Babcock and Wilcox of Ohio (BWO).

The Plant lies on high bedrock bluffs overlooking the city of Miamisburg, the Great Miami River, and the river plain to the west. The Plant is comprised of two high hills divided by a northeast-to-southwest-trending valley that feeds into the Great Miami River. Most of the buildings on the Plant site occupy the northwest hillcrest (Main Hill). A smaller group of buildings lies in the valley and on the valley slopes (referred to as Test Fire Valley). Other buildings occupy the southeastern Special Metallurgical-Plutonium Processing (SM-PP) Hill.

Mound formerly served as an integrated research, development, and production site for DOE weapon and non-weapon programs, especially in the areas of chemical explosive and nuclear technologies. These activities were conducted on approximately 183 acres of land immediately north of the South Property (see Figure 1-2). The defense mission for the site has ended and the BWO mission is to remediate the site for industrial users. The scheduled completion date for all BWO restoration activities is September 30, 2004.

The South Property was purchased by the DOE in 1981. Prior to the purchase the land was utilized for farming purposes. The undeveloped portion of the land has not been used by DOE for production processes; no permanent structures are located on the South Property. However, a small area in the northwest corner of the South Property has been used as a soil staging area. This area, known as the "Spoils Area", is currently in use. Soil and groundwater in this area will be evaluated and action will be taken to ensure that contaminant levels are reduced to acceptable levels in accordance with the Residual Risk Evaluation Methodology (DOE 1997a) prior to transfer of title (DOE 1998a).

3.1.2 Regional

The region surrounding Mound is characterized by a large number of small communities and a highly industrial river valley. Numerous parks, schools, and golf courses are also adjacent to the site. While significant populations reside in proximity to Mound, the region remains largely devoted to agricultural-related activities.

3.2 Socioeconomics

3.2.1 Population Data

For purposes of this EA, the Region of Interest (ROI) has been defined as within 10 miles of the subject property. Based on 1990 census data, approximately 267,000 persons, representing 105,000 households, live within the ROI. The per capita income is \$16,088, with approximately 34,500 (12.9%) of the residences considered to be economically disadvantaged (i.e., living below the poverty level). The number of minority residents is approximately 56,500, representing on the order of 20% of the total population within the ROI.

Minority and Economically Disadvantaged Population Distributions

Census data for the ROI have been compared to analogous data for the City of Miamisburg, Montgomery County, and the State of Ohio (Figures 3-1 and 3-2). As seen in the figures, minority and/or economically disadvantaged populations are not disproportionately represented in the ROI.

3.2.2 Employment

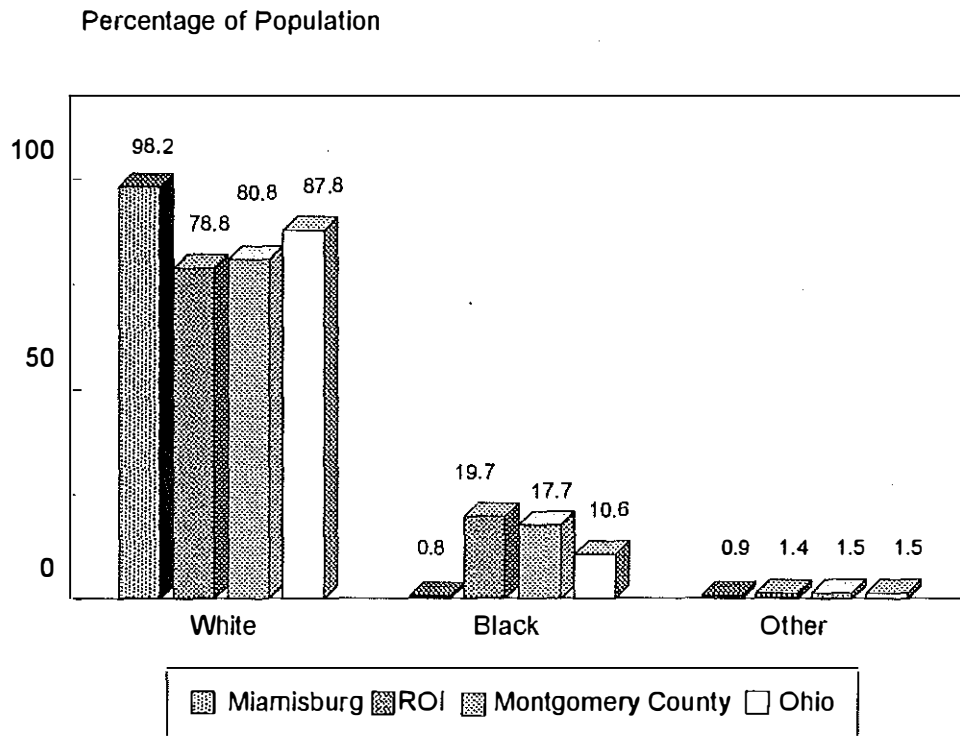
MEMP

The 1998 onsite work force directly supporting the MEMP mission is on the order of 900. The staffing level within MMCIC-leased businesses is approximately 275 employees.

Regional

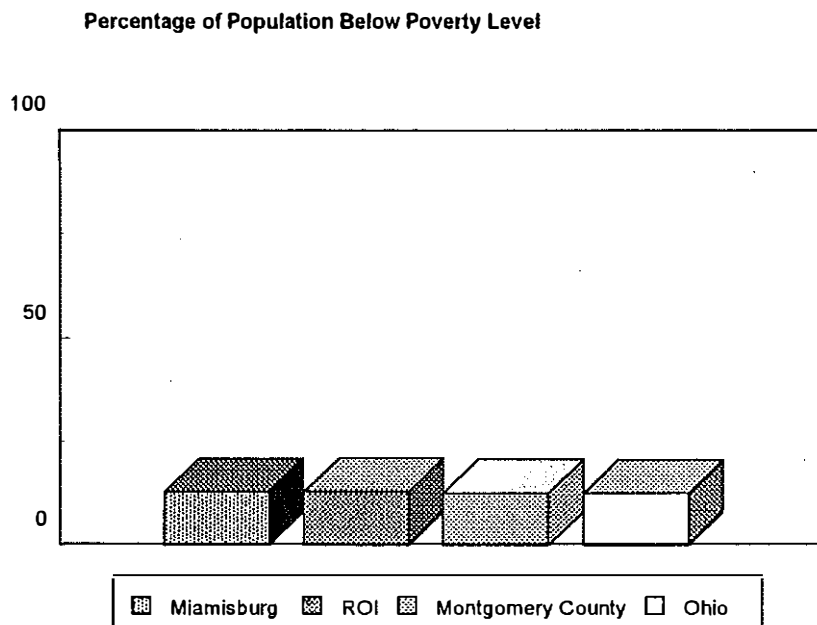
Data for the Dayton-Springfield Metropolitan Statistical Area (MSA) provide a perspective on employment levels and trends in the area. The 1997 employed labor force for the MSA is on the order of 458,000, with modest growth (annual rates of 0.3 to 1.5%) predicted through 2005 (LMI 1998). The employed labor force for Montgomery County is approximately 274,000 (LMI 1998).

Figure 3-1. Population Distribution in the ROI and Reference Areas.



Notes: ROI = Region of Interest (defined as within 10 miles of subject property).
Data are from 1990 census as compiled by LandView III, Version 1.0.

Figure 3-2. Economically Disadvantaged Population in the ROI and Reference Areas.



Notes: ROI = Region of Interest (defined as within 10 miles of subject property).

Data are from 1990 census as compiled by LandView III, Version 1.0

3.3 Air Quality

Air quality data are frequently compiled based on the metropolitan statistical area or MSA. The Mound Plant lies within the Dayton-Springfield MSA. The air quality in the Dayton-Springfield MSA is described below for criteria pollutants and air toxics.

3.3.1 Criteria Pollutants

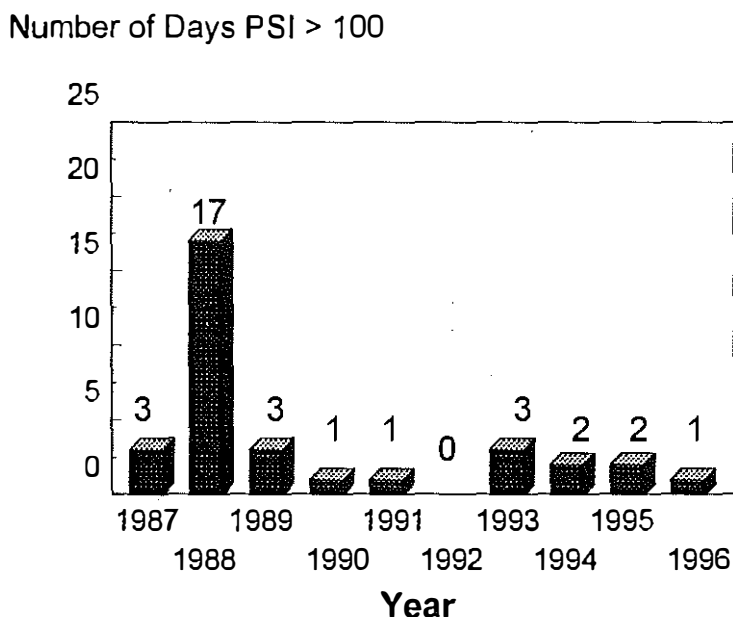
There are six “criteria” pollutants for which the U.S. Environmental Protection Agency (US EPA) has established primary National Ambient Air Quality Standards (NAAQS): carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), particulate matter (PM), and sulfur dioxide (SO₂). When an area does not meet the NAAQS for one of these criteria pollutants, it is designated a “non-attainment” area. Though the Dayton-Springfield MSA was previously a non-attainment area for ozone, the region currently holds attainment status for all six criteria pollutants.

To evaluate overall air quality, the Pollution Standards Index, or PSI, can be examined. To judge air quality, the PSI considers concentrations of five of the six criteria pollutants. PSIs below 50 are considered good, while PSIs above 100 are considered unhealthy. A smog alert is an example of a time when the PSI is likely to be greater than 100. Data documenting the number of days per year the PSI exceeds 100 are reported by the US EPA. Data for the Dayton-Springfield MSA are shown in Figure 3-3.

As seen in Figure 3-3, the Dayton-Springfield Area, including the subject property, has experienced a relatively small number of days when the PSI was above 100.

With respect to the region more immediately proximate to the Mound Plant, a review of the 1995 Toxic Release Inventory (TRI) data for the area immediately surrounding the Mound Plant revealed 1 industry with criteria air emissions subject to TRI reporting. (Mound was not subject to TRI reporting in 1995). The facility, a Dayton Power and Light (DP&L) electrical generating station, reported releases of minor (i.e., < 1000 tons/year) quantities of nitrogen dioxide and sulfur dioxide. Given the levels released by DP&L, and the transport and dispersion properties of the local atmosphere, the subject property is not significantly adversely affected by DP&L operations.

Figure 3-3. Pollutant Standards Index (PSI) Data for the Dayton-Springfield MSA, 1987-1996.



Ref: U.S. EPA 1998.

3.3.2 Air Toxics

Air toxics are non-criteria pollutants which have been determined by the US EPA to be associated with, or have the potential to cause, serious human health or environmental effects. Air toxics, for purposes of compliance with the Clean Air Act and its amendments, are the 188 hazardous air pollutants (HAPs) listed in Section 112(b) of the Act.

While Ohio is among the states categorized as large generators (> 90,000 tons per year) of HAPs (EPA 1998), the area surrounding the Mound Plant is subject to relatively low levels of HAP emissions. A review of the 1995 Toxic Release Inventory (TRI) data for the area immediately surrounding the Mound Plant revealed three industries with HAP emissions subject to TRI reporting (Mound was not subject to TRI reporting in 1995). Two of the three industries discharged negligible amounts of materials to the air, i.e., ≤ 10 pounds/year. The third industry, located approximately three miles northwest of the plant, released 5000 pounds of trichloroethylene to the air. While trichloroethylene is a HAP, the impact on the Plant from this facility is minimal, given the amount released and the nature of prevailing winds in the area. (Winds measured at Mound are most frequently from the southwest.)

3.3.3 Radionuclide HAPs

The South Property is immediately adjacent to the active portion of the Mound Plant. Detectable amounts of radionuclides have been measured at the air sampling stations in and near the parcel. The locations of the air samplers in the vicinity of the South Property are shown in Figure 3-4. The concentrations of radionuclides measured at Stations 215, 216, and 217 in 1997 are shown in Table 3-1 (DOE 1998b).

Continuous exposure to the maximum concentrations shown in Table 3-1 would translate into doses that are well below any regulatory standard or level of concern. For example, the maximum effective dose equivalent to an individual remaining onsite 24 hours per day throughout 1997 would be less than 0.30 millirem, where a millirem (mrem) is a conventional unit for radiation dose. In comparison, the US EPA annual dose limit for radionuclides released to air from DOE sites is 10 mrem (40 CFR 61, Subpart H). It is also important to note that the average dose from background sources such as cosmic and terrestrial radiation (e.g., radon) is on the order of 300 millirem. Therefore, the dose from Mound activities to an individual who remained on the subject property throughout 1997 would contribute an additional 0.1% to the dose typically received from background. Stated differently, the dose would represent about 10% of the dose received from taking an airplane flight from Washington, D.C. to San Francisco, California.

Figure 3-4. Locations of Air Sampling Stations on the Mound Plant.

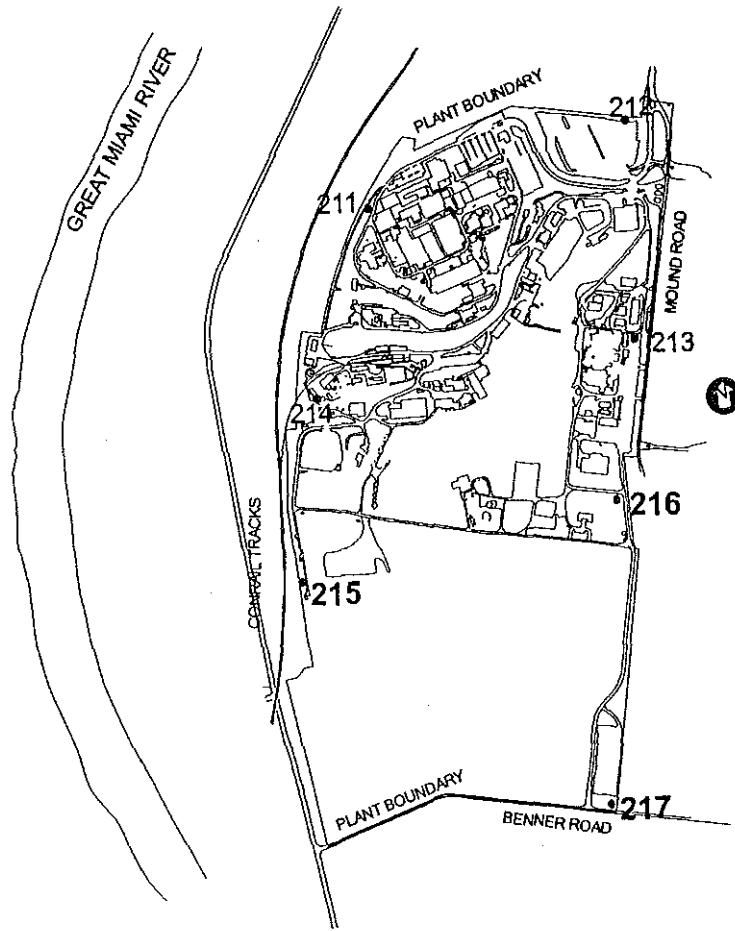


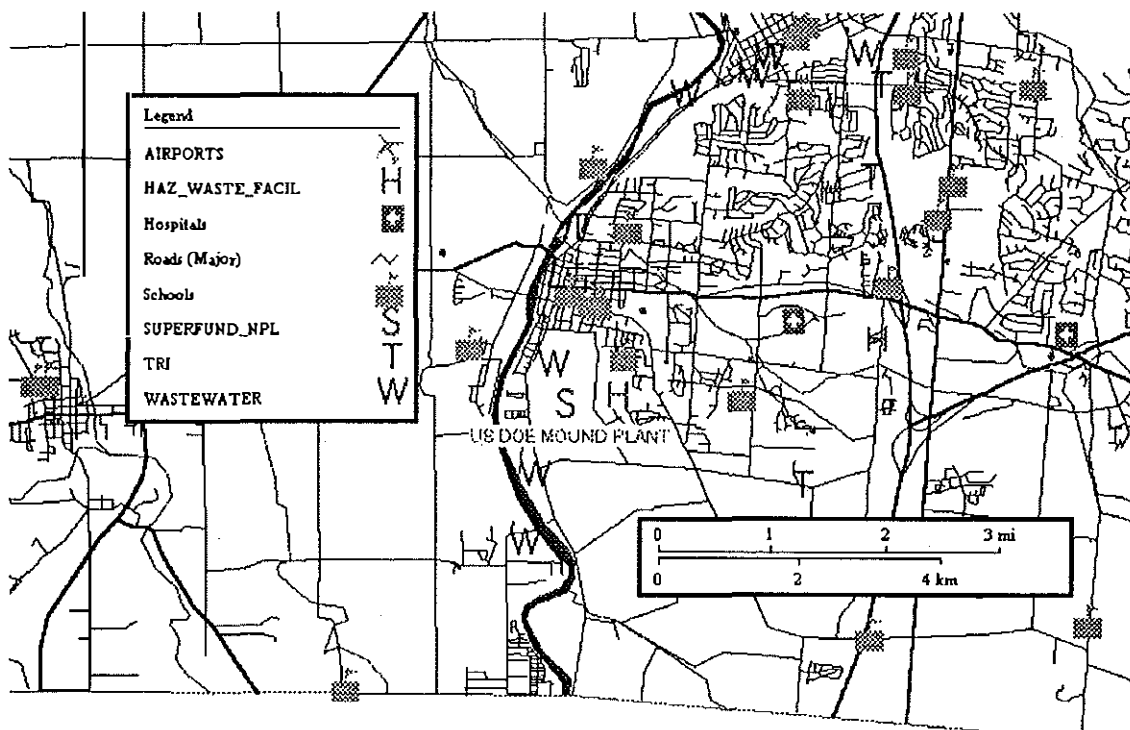
Table 3-1. Radionuclide Air Concentrations Measured at Stations 215, 216, and 217 in 1997.

<u>Station</u>	<u>No. of Samples</u>	<u>Maximum</u>	<u>Average</u>	<u>Units</u>
215				
Tritium	32	26.76	6.30 ± 3.58	10 ⁻¹² μCi/mL
Plutonium-238	9	98.76	57.7 ± 14.8	10 ⁻¹⁸ μCi/mL
216				
Tritium	53	18.24	5.77 ± 2.90	10 ⁻¹² μCi/mL
Plutonium-238	12	9.87	3.54 ± 1.62	10 ⁻¹⁸ μCi/mL
217				
Tritium	49	18.92	1.97 ± 2.77	10 ⁻¹² μCi/mL
Plutonium-238	12	1.93	0.80 ± 0.38	10 ⁻¹⁸ μCi/mL

3.3.4 Air Quality Summary

The Mound Plant, including the subject property, is typically exposed to good to very good air quality levels. There are no significant sources of air emissions in the immediate vicinity of Mound, including the Mound Plant itself (Figure 3-5).

Figure 3-5. Facilities with Reportable Air Emissions in the Vicinity of the Mound Plant (1995 Data).



3.4 Water Resources

3.4.1 Surface Water

The only streams on the South Property are intermittent, with limited, infrequent flow. Due to the topography of the site, storm water incident on the property drains to the southwest and ultimately discharges into the Great Miami River (shown on Figure 3-6).

Main Plant discharges. The process and storm water discharges from the northern portion of the Mound Plant exit the Plant via one of two main conduits: a pipe to the Great Miami River (Outfalls 601 and 602, combining to form Outfall 001) or a concrete pipe/culvert system which discharges to the Great Miami River via an offsite intermittent creek (Outfall 002). As seen on Figure 3-6, the direct pipe does not cross the South Property. The pipe/culvert outfall, however, runs along approximately two-thirds of the western border of the South Property.

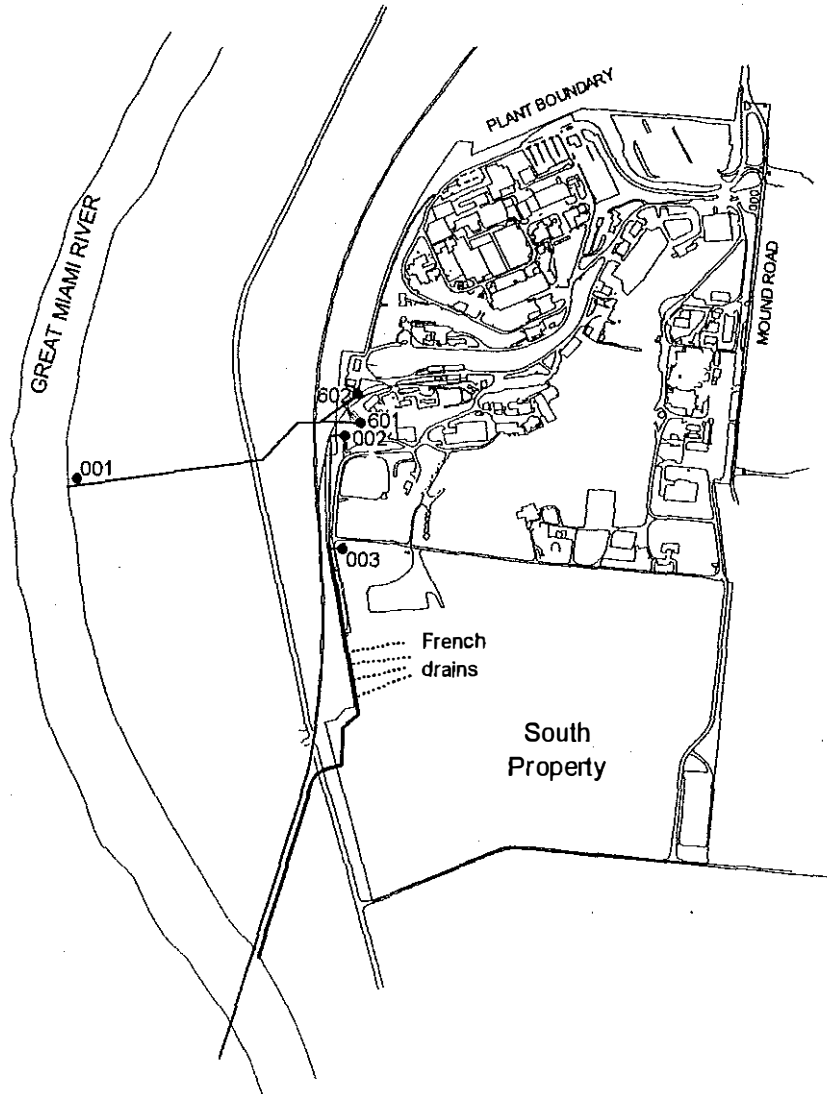
Release authority and monitoring requirements. The northern property discharge points are subject to a National Pollutant Discharge Elimination System (NPDES) permit issued to the Plant by the Ohio EPA (OEPA). The outfall on the South Property (Outfall 003) represents an authorization to discharge (ATD) for a groundwater remediation system (groundwater is discussed in Section 3.4.2). ATD discharges are monitored for volatile organic compounds (VOCs), heavy metals, and indicators of aquatic toxicity, i.e., biotoxicity monitoring.

Additional South Property considerations. In addition to the effluent from Outfall 003, the culvert on the South Property also receives stormwater from a series of french drains. The drains were installed when Outfall 002 was re-routed during the environmental restoration of the Miami-Erie Canal. Restoration activities disrupted the natural drainage pathways for stormwater, making the installation of the french drains necessary.

Monitoring results. More than 1500 water samples are collected each year to demonstrate compliance with the Mound Plant NPDES permit and ATD. In 1997, a total of 11 NPDES samples and 0 ATD samples exceeded specified limits. The NPDES exceedances involved such constituents as copper, total suspended solids, pH, and chlorine, and did not impact the South Property (DOE, 1998b).

Though the OEPA does not regulate the radiological constituents of liquid effluent from Mound, a large-scale radionuclide monitoring program is in place. The most prominent radionuclide in Mound's discharge is tritium. The average concentration of tritium for Outfall 003 in 1997 was 3 nCi/L. The drinking water standard for tritium is 20 nCi/L. Concentrations of other radionuclides detected in Mound's effluent are much smaller fractions of applicable standards. Therefore, while no one would be expected to ingest the discharge from 003, environmental data demonstrate that the passage of the discharge along the South Property is not a human health or environmental hazard.

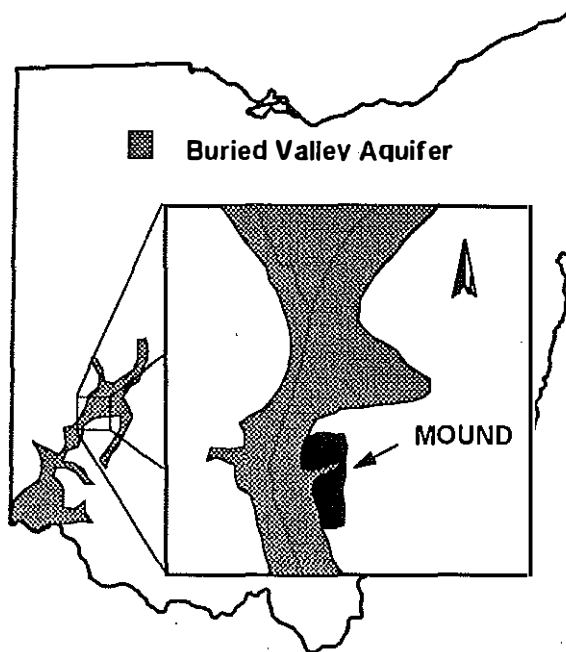
Figure 3-6. NPDES Permit and ATD Compliance Locations.



3.4.2 Groundwater

Municipal and industrial water supplies in the vicinity of the Mound Plant, as well as Mound, depend on high capacity wells drilled into unconsolidated sand and gravel aquifers for water. The principal source of water in the area, the Buried Valley Aquifer (BVA), is located immediately west of the site, and underlies portions of the subject property (Figure 3-7).

Figure 3-7. Location of the Buried Valley Aquifer.



The BVA has been designated a “sole source” aquifer by the US EPA, indicating that the BVA is a critical source of drinking water. Portions of the BVA adjacent to, and including, the South Property have experienced elevated VOC concentrations due to Mound Plant operations. Environmental restoration of the BVA is underway as part of the CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) remediation of the site. Adjacent to the South Property, a groundwater pump-and-treat system continuously removes groundwater from a series of extraction wells. The groundwater is then passed through an air stripper to remove VOCs. To enhance the removal of VOCs from soil and groundwater, an air sparger injects air into the aquifer and then extracts soil vapor. These activities are being conducted under the CERCLA Operable Unit 1 Record of Decision (ROD), and are intended to mitigate VOC contamination originating from a landfill, adjacent to, but not within, the subject property.

Though the remediation effort described above has been necessary, the portion of the BVA that provides drinking water to the site is of high quality (DOE, 1998b). As seen in Table 3-2, none of the VOCs detected in the onsite production wells in 1997 were present in concentrations that exceeded the maximum contaminant levels (MCLs). (MCLs have been established by the US EPA to ensure safe drinking water conditions.)

The undeveloped South Property does not currently have potable or service water connections to this or any other water supply. It is projected that the existing well field

will remain in service and could serve as a water source for the South Property. This assumption bounds the analysis of potential impacts given that the production wells are adjacent to known contamination; new wells, if located in the South Property, would experience lower concentrations due to both the increase in distance from the source and the mitigative CERCLA actions currently underway.

Table 3-2. VOC Concentrations in Mound Plant Production Wells in 1997

Well Designation	Compound	Number of Samples	µg/L			MCL
			Minimum	Maximum	Average ^a	
1	1,1,1-Trichloroethane	6	b	1.5	0.8 ± 0.7	200
	cis-1,2-Dichloroethene	6	b	1.5	0.6 ± 0.7	70
	Trichloroethene	6	1.1	3.8	2.2 ± 1.2	5
	Tetrachloroethene	6	b	1.8	0.9 ± 1.0	5
2	1,1,1-Trichloroethane	7	1.8	3.2	2.3 ± 0.6	200
	cis-1,2-Dichloroethene	7	b	1.4	0.7 ± 0.7	70
	Trichloroethene	7	b	3.9	2.5 ± 1.6	5
	Tetrachloroethene	7	b	2.2	1.3 ± 1.0	5
3	1,1,1-Trichloroethane	7	b	0.6	0.2 ± 0.3	200
	Chloroform	7	b	4.1	0.6 ± 1.5	100
	Trichloroethene	7	0.8	1.2	1.1 ± 0.1	5

^a Error limits are one standard deviation of the estimated mean.

^b Results below the method detection limit.

MCL = Maximum Contaminant Level (based on EPA Drinking Water Standards).

3.4.3 Wild and Scenic Rivers

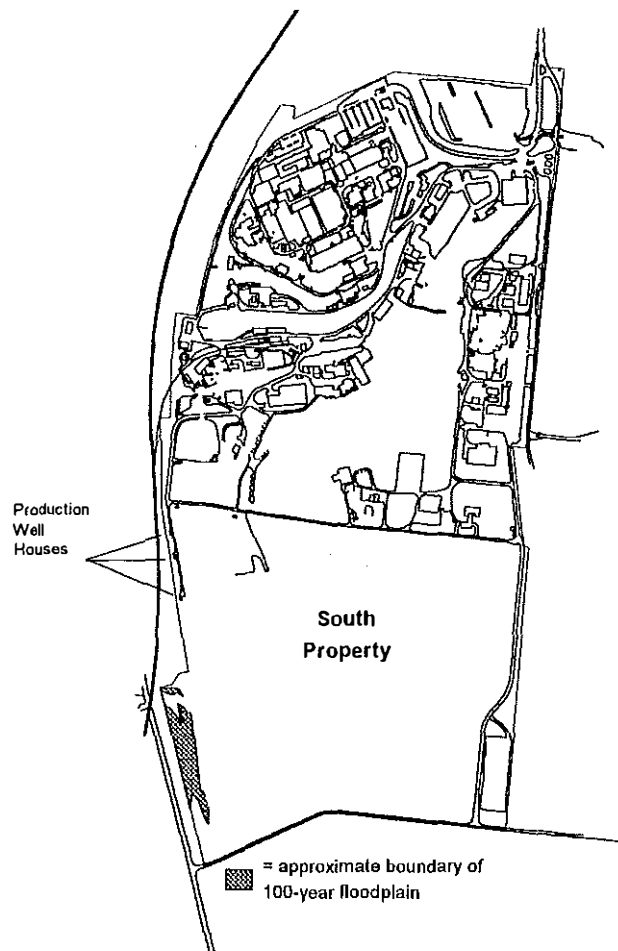
The Ohio Department of Natural Resources (ODNR) has indicated (Lewis 1992) that the Mound Plant is not a component of the State or National Wild and Scenic River System. Further, ODNR has confirmed that Mound is significantly downstream of the nearest designated State or National Scenic River, the Stillwater, which enters the Great Miami River north of the Mound Plant near Dayton, Ohio.

3.5 Floodplains and Wetlands

3.5.1 Floodplains

The National Flood Insurance Program (NFIP) map for the area shows a portion of the South Property to be within the 100-year floodplain, i.e., subject to a 1% chance per year of inundation from the Great Miami River. At DOE's request, the Federal Emergency Management Agency (FEMA) has issued a Letter of Map Amendment (LOMA) (Jamieson 1993). The approximate extent of the floodplain on the South Property, per the amended FEMA map, is shown in Figure 3-8. There are no structures or on-going activities in the floodplain area. Further, as seen in the figure, the well field is not within the floodplain.

Figure 3-8. Extent of the 100-Year Floodplain on the South Property.



3.5.2 Wetlands

The 1994 wetland delineation for the Mound Plant found the subject property to be free of jurisdictional wetlands (DOE 1994). The delineation report was reviewed and validated by the U.S. Army Corps of Engineers (Newell 1994). The delineation is subject to a five-year review cycle. The 1999 review is underway. Based on preliminary information from the review (Hook, 1999), there is a small wetland in the north-central portion of the South Property. However, the analysis presented in this EA is based on the official delineation; i.e., the 1994 report. As such, the possibility of a new wetland in the South Property does not affect the NEPA analysis presented in this EA.

3.6 Threatened and Endangered Species

According to the Fish and Wildlife Service of the U.S. Department of Interior (Kroonemeyer 1991a, 1991b), the Mound Plant lies within the range of the Indiana bat, *Myotis soladis*, a federally listed endangered species. A Dayton Museum of History field survey performed in the spring of 1991 (Hissong 1991) did not locate any of the bats. Subsequent observations have also resulted in zero sightings. However, it is recognized that shagbark hickories, common to southwest Ohio, and other live or dead trees with exfoliating bark, are potential hosts for the bat from May 15 through September 15. More recent discussions with the U.S. Fish and Wildlife Service (Gilliat 1998) have reaffirmed this information.

During a 1993 ecological assessment of the site (Thorsen 1993), a single specimen of an Inland rush, *Juncas interior*, was discovered growing on the South Property. The identification of the specimen was independently confirmed by a botanist from the University of Tennessee. This species of rush has been designated a state endangered species by the Ohio Division of Natural Areas and Preserves. Despite intensive efforts to find other specimens, only the single plant was located. Therefore the assessment concluded that a viable breeding population for the Inland rush did not exist on the site.

3.7 Cultural Resources

Wright State University (Riordan 1987) conducted an archaeology survey of the accessible portions of the South Property in September of 1987. A total of 437 shovel tests were excavated; areas with slopes steeper than 10-15% were not tested. Of the 437 excavations, artifacts were discovered in seven. The seven find locations represented two areas in the southern most portion of the subject property, near Benner Road (Figure 1-2). In the first area, a single primary reduction flake was recovered. Additional testing was performed in the area; no other artifacts were found. In the second area, artifacts recovered included one

green and one brown glass bottle fragment, a .22 caliber shell, a bit of metal wire, one rectangular and two round nails, a metal spike, five pieces of clear window glass, and a colorless glass bottle base. Other artifacts found in the area were clearly diagnostic of the twentieth century and included a rusted spark plug, five automobile tires, and the deck of a power lawn mower.

Based on the results of the shovel tests, and a review of applicable literature, Riordan concluded that the South Property did not have the research potential to make it eligible for listing in the National Register of Historic Places and did not warrant additional archaeological work. Subsequent correspondence from the Ohio Historic Preservation Office (Luce 1988, Kitchen 1991) reaffirmed the conclusion that the South Property holds no archaeological sites eligible for or listed on the National Register of Historic Places.

A follow-up survey conducted in 1991 examined areas immediately adjacent to, but not including, the South Property (Skinner 1991). In this study, visual inspection, hand subsurface testing at 20-m intervals, and deep trenching (floodplain areas only) techniques were utilized. Significant artifacts were not found. Four historic sites were noted: a segment of the Miami-Erie Canal, a bridge remnant, a bridge, and a city well. None of these sites were judged to be eligible for the National Register of Historic Places and no further work was recommended.

3.8 CERCLA

The Mound Plant, including the well field and the South Property, was placed on the National Priorities List (NPL, also known as the "Superfund List") in 1989. Environmental restoration activities at the site are underway in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The CERCLA process at Mound has used a "release block" approach to the evaluation of parcels of land and the structures associated with them. When the regulators, with stakeholder participation, agree that an area, or release block, is adequately protective of human health, steps can be initiated to transfer the release block to a new owner.

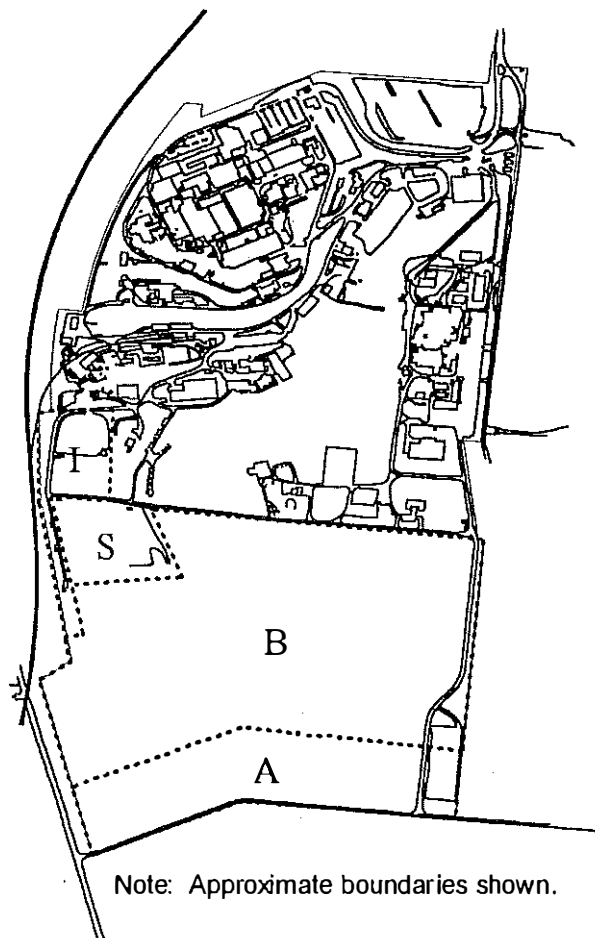
The subject property includes components of four release blocks: A, B, S, and I (Figure 3-9). The release blocks may be released singly or in groups. Release Blocks A and B have been determined to be adequately protective of human health and the environment (Vincent 1995, Adamkus 1995, Core Team 1996). The US EPA has confirmed that no disposal or storage of hazardous materials has taken place on these parcels. This conclusion was reached after

Careful review of many CERCLA-related documents, field reports, and interviews with Mound Plant employees.

It should be noted, however, that the study of Release Blocks A and B did yield detectable concentrations of specific contaminants. The contaminants discovered in soil and groundwater include: 1) metals, 2) semi-volatile organic compounds and 3) radionuclides. Risk assessments were performed on these data to ensure the levels posed no risk to human health or the environment.

Release Block S, representing the Spoils Area, has also been studied. The area continues to be used to support clean-up activities and therefore will require further assessment. Block S will not be approved for transfer until an evaluation of the residual risks associated with the block has been completed. When the block is considered to be protective of human health and the environment, a property transfer could be initiated.

Figure 3-9. CERCLA Release Blocks for the Subject Property.



The well field is in Release Block I. However, the field is a relatively small component of the release block and is believed to be free of radionuclide or other hazardous contaminants. Other portions of Release Block I, such as the landfill described on page 18, may require remediation or appropriate deed restrictions prior to transfer of ownership. The CERCLA process, conducted under the oversight of the US and Ohio EPAs, ensures that property is not dispositioned until its condition, or provisions for long-term control, ensure adequate protection of human health and the environment. Therefore, the proximity of the landfill to the subject property does not present hazards not otherwise subject to risk analysis.

4.0 IMPACTS OF THE PROPOSED ACTION AND ALTERNATIVES

4.1 Proposed Action

The proposed action is to transfer title of the subject property to the MMCIC. The potential uses of the property by MMCIC are limited by a number of factors. First, consistent with the industrial cleanup standards being applied to the Mound site as a whole, future use of the South Property has been limited to industrial activities. This limitation has been established by the U.S. and Ohio EPAs based on their evaluation of the South Property under CERCLA. Second, the topography of the South Property, specifically numerous areas with steep (greater than 10%) slopes, limits the usable land area. Third, the South Property is zoned I-2, i.e., as a general industrial district.

4.1.1 Land Use

The proposed action would substantially change the land use from essentially undeveloped land to an industrial park. Given the limitations described above and the mix of industrial and residential areas in proximity to the South Property, the size of any one industrial user would be somewhat restricted.

Based on the Future Use Plan (EG&G Mound 1993) and the MMCIC Reuse Plan (MMCIC 1997), the site is well-suited for a “flex-type” of development (research and development as well as various industries). MMCIC’s analysis of the South Property indicated that the parcel offers four sections of land suitable for industrial development. According to the Reuse Plan, the area could support 290,000 square feet of new development with associated parking facilities. The area targeted for development represents approximately 20% of the total South Property acreage of 123.

The types of industries likely to be solicited as tenants include (Simmons 1998):

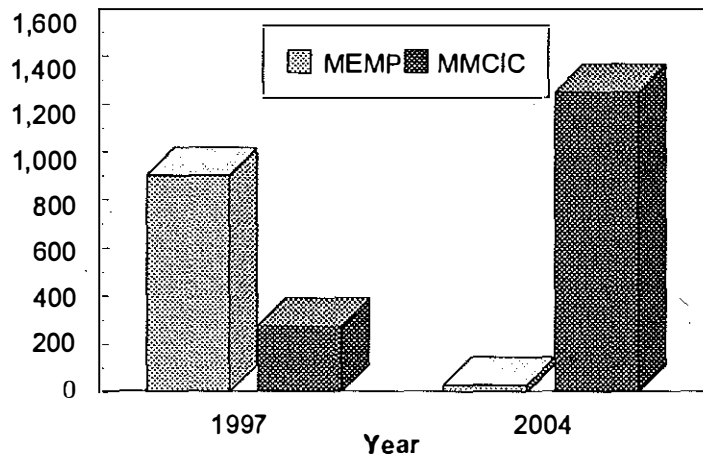
- basic research or engineering laboratories,
- professional and technical education and training facilities
- medical, dental or optical product manufacturing and testing,
- printing, publishing, binding, and typesetting,
- light trades (e.g., carpentry, sheet metal, machining,
- distribution operations, and
- administrative and technical offices.

4.1.2 Socioeconomics

Population Impact

MMCIC projections indicate that the population of new business employees will grow to 1200 by the Year 2004. Based on the usable square footage of the South Property, approximately 400 positions may be created there. As seen in Figure 4-1, the addition of 400 new employees would partially compensate for the loss of MEMP-related jobs, as the Department of Energy exits the site. There is therefore no long-term net change in population associated with the proposed action. It is further assumed that the salaries and tax bases of the new employees would adequately compensate the region for the jobs eliminated by DOE's exit.

Figure 4-1. Onsite Workforce Projections.



Notes: MEMP = Miamisburg Environmental Management Project.
MMCIC = Miamisburg Mound Community Improvement Corporation.
Data are from MMCIC 1997.

Minority and Economically Disadvantaged Populations

As documented in Section 3.2 of this EA, neither minority nor low-income populations are disproportionately represented in the ROI. The composition of the population within 1 mile of the proposed action is comparable to the data presented in Figures 3-1 and 3-2 for the City of Miamisburg. Therefore, neither minority nor low-income populations are disproportionately represented in the area of highest exposure potential from the proposed action. Further, as documented in the upcoming sections of this EA, the proposed action does not represent adverse impacts on any segment of the population.

4.1.3 Air Quality

The proposed action could affect local air quality during the construction and operation of industrial facilities on the South Property. The principal concern during the construction effort would be the criteria pollutant, particulate matter (PM). The principal concern during facility operation would be the discharge of air toxics. The creation of approximately 400 new positions would also generate increased air emissions and traffic. However, given that these positions are being created as a comparable number of positions are being eliminated, no net traffic-related impact on the local environment would be encountered. Therefore, the following sections concentrate on particulate and air toxic impacts from construction and operational activities, respectively.

Particulate Emissions During Construction Activities

The proposed action would involve the development of 290,000 square feet of industrial and office space in 4 distinct areas of the South Property. Based on the conservative assumption that construction activities would occur simultaneously in up to one-half of the total acreage involved, the maximum offsite particulate concentration expected would be on the order of $59 \mu\text{g}/\text{m}^3$, with an annual average offsite concentration of approximately $15 \mu\text{g}/\text{m}^3$. These values were developed first by using air emission factors (EPA 1995a) to estimate the amount of dust generated by heavy construction. Then, the transport and diffusion of the dust was modeled using the computer code, SCREEN3 (EPA 1995b). The suitability of SCREEN3 for use in determining maximum and annual air concentrations has been previously established by DOE (DOE 1996).

When compared to average particulate concentrations in the Mound Plant environment on and adjacent to the South Property (Table 4-1), it is evident that the construction activity can be expected to have a minor, but measurable, impact on ambient dust concentrations in the local environment. Given the dust suppression and control techniques required of construction activities, the conservatism built into the SCREEN3 model, and the short-term nature of construction activities, such activities would not have a long-term effect on ambient air quality.

Table 4-1. Particulate Air Concentrations Measured at Stations 215, 216, and 217 in 1997.

<u>Station</u>	<u>No. of Samples</u>	<u>Maximum</u>	<u>Average</u>
215	35	100	53 ± 8
216	53	45	28 ± 2
217	50	45	27 ± 2

Notes: Station locations were shown on Figure 3-4. Elevated concentrations measured at Station 215 were associated with heavy construction and remediation of the Miami-Erie Canal and are not representative of ambient levels; the data have been included for completeness.

Conformity Review

Proposed federal actions occurring in regions where the air concentrations of criteria pollutants have exceeded the NAAQSs (National Ambient Air Quality Standards) may be subject to a "conformity review". The purpose of the review is to ensure that the proposed action conforms with the state's implementation plan (SIP) for achieving and maintaining compliance with the NAAQSs. The review applies whether the region is currently designated as "non-attainment" (i.e., not in compliance with the limit) or designated as "attainment - maintenance" (i.e., previously out of compliance with the limit).

Montgomery County, Ohio is currently an attainment-maintenance area for ozone. However, the proposed action is not expected to generate a net increase in the emissions of ozone or ozone precursors. Therefore, a conformity review against the State of Ohio SIP is not needed for the evaluation of the proposed action.

Air Toxic Releases During Operations

The specific combination of industries that may ultimately operate on the South Property has not been determined and must be extrapolated. A review of the CRP, Future Use Plan, and a physical survey of "typical" industrial parks in the Miamisburg-Centerville area, have been used to identify representative industries that are likely to (a) locate on the subject property, and (b) reasonably bound air emissions. The industries selected for analysis in this EA are machining and printing operations.

The expected emissions from such operations have been estimated for this EA using the EPA sector notebooks for each industry (EPA 1995c and EPA 1995d for printing and machining, respectively). The sector notebook for printing and publishing facilities indicates that toluene is by far the most prominent component (roughly 70%) of

air emissions from such operations – with lesser amounts of xylene and methyl ethyl ketone (MEK) as secondary contributors. Toluene, xylene, and MEK are also appropriate bounding constituents of releases from metal machining and finishing operations (EPA 1995d). Assumed release rates based on averages reported in the sector notebooks are shown in Table 4-2.

Table 4-2. Potential Air Toxic Release Rates, pounds per year.

<u>Facility</u>	<u>Toluene</u>	<u>Xylene</u>	<u>MEK</u>
Printing operations	25,000	5,000	5,000
Machining operations	25,000	25,000	25,000

Given the long-term nature of the emissions, the use of site-specific meteorological data was deemed necessary. Therefore, the computer code CAP88-PC (EPA 1991) was used to model transport and diffusion, and to estimate annual average offsite concentrations. The results of the analysis indicate that operating both facilities on the South Property could contribute an additional 0.006 ppm of toluene, 0.004 ppm of xylene, and 0.002 ppm of methyl ethyl ketone to the maximum offsite receptor.

To estimate the impact of these values, the concentrations were compared to EPA inhalation reference concentrations (RfCs). RfCs are set at levels which are significantly below the no-observable-effect level for a given contaminant. The inhalation RfCs for toluene and MEK are 0.1 ppm and 0.3 ppm, respectively (EPA 1997). (An RfC has not been formally established for xylene, but would likely be in this same range.) Based on these comparisons, the additional contribution of air toxics from the proposed action would present a negligible impact to air quality.

4.1.4 Water Resources

The proposed action would require delivery of potable and service water to the South Property. Given that the total population of MMCIC-related employees is expected to reach, but not dramatically exceed, the number of DOE-related positions that will be eliminated, no net impact to water resources is expected. It is envisioned that the MMCIC will extract and return a volume of groundwater comparable to current values for DOE. Using Mound Plant data for 1997 (Upshaw 1998), the withdrawal and return rates would be on the order of 81 and 54 million gallons per year, respectively, for withdrawal from the BVA and return to the Great Miami River.

Withdrawal from the BVA at rates comparable to those experienced by DOE has not created a drawdown or other adverse affect for the aquifer. The BVA is a highly productive aquifer with excellent recharge capacity. Therefore the proposed action would not be expected to have an adverse effect on the groundwater system.

Similarly, a discharge rate of 54 million gallons per year (0.15 million gallons per day, or MGD) represent a small contribution to the average flow rate for the Great Miami River. By comparing the 0.15 MGD discharge rate to the Great Miami River's average flow rate, 2137 MGD for 1997, the additional volume introduced by the proposed action represents a small increase in flow. With regard to the chemical constituents of the effluent, they are not expected to differ significantly from those released by Mound. Mound has a sanitary treatment system, numerous process-related discharges, a print shop and previously operated both a machining and a plating facility. Additionally, given the water quality controls that would be imposed on the chemical constituents of the discharge by the Ohio EPA, no adverse impact to water quality is expected. This assumption is further supported by the Agency for Toxic Substances and Disease Registry (ATSDR) study of Mound Plant effluents. The report issued by ATSDR (1998) concluded that current site conditions pose no apparent public health threat. Therefore, the proposed action would not be expected to adversely affect surface waters.

4.1.5 Floodplains and Wetlands

There is the likelihood that a small jurisdictional wetland is present in the subject property. However, the updated delineation map is not expected to be approved by the U.S. Army Corps of Engineers (USACE) until August 1999 or later. If, subsequent to this EA, the USACE approves the new delineation as drafted, the NEPA analysis presented herein remains valid as it was based on the delineation report of record.

Following approval of the updated delineation, the proposed action may be subject to the requirements of 10 CFR 1022 regarding the protection of wetlands (e.g., publication of a Notice of Involvement in the Federal Register and disclosure to the buyer of Federal and state regulations for the protection of wetlands). Given the small size of the wetland, and the protective standards of 10 CFR 1022, no loss of habitat or disruption of biological diversity would be expected in association with the proposed action.

Additionally, a small portion of the South Property (See Figure 3-8) is within the 100-year floodplain and is therefore a Special Flood Hazard Area (SFHA). Given its small size and location on the subject property, it is extremely unlikely that the area would be affected by future development. Further, any development on the SFHA would be subject to permitting requirements and usage limitations specified in Chapter 1288 of the City of Miamisburg Planning and Zoning Code.

Nonetheless, as required by 10 CFR 1022, when DOE property in a floodplain is proposed for disposal to non-Federal public or private parties, DOE must (1) identify those areas that are restricted under Federal, State, or local floodplain regulations, and (2) attach other appropriate restrictions to the uses of the property. To comply with these requirements, DOE has prepared a floodplain assessment for the South Property. The assessment is a component of this EA and appears in its entirety in Appendix B.

Additional 10 CFR 1022 requirements apply to actions involving floodplains. Required activities include publication of (1) a Public Notice in the Federal Register (the notice has been reproduced in Appendix B), and (2) a Statement of Findings (SOF). (The Statement of Findings is embedded in the SOF associated with this EA.)

4.1.6 Threatened and Endangered Species

As documented in Section 3.6, viable populations of threatened and endangered species have not been observed on the Mound Plant. Therefore, no adverse effects from the proposed action are expected.

4.1.7 Cultural Resources

As documented in Section 3.7, the South Property is not believed to contain archaeological sites eligible for or listed on the National Register of Historic Places. Therefore, no adverse effects from the proposed action are expected. The Ohio Historic Preservation Office (Epstein, 1999) has concurred with this interpretation.

4.1.8 Cumulative Impacts

Cumulative impacts are those that result from the incremental impact of an action considered additively with impacts of past, present, and reasonably foreseeable future action, regardless of what agency or person undertakes such actions (40 CFR 1508.7). Specifically, long-range transport of air pollutants is not expected and significant degradation of regional air quality will not occur. Similarly, significant increases in water body loads of sediment, thermal, and/or toxic pollutants will not be encountered. No other long-term environmental, ecological, or economic stressors were identified in the analysis. Therefore, significant cumulative impacts are not expected to be associated with the proposed action.

4.2 Alternative Actions

The alternative actions considered included transfer of title to an entity other than MMCIC, a long-term lease, or disposition via the Government Services Administration. As described below, the impact analysis in Section 4.1 adequately bounds the impacts from the alternative actions listed.

If ownership of the property were transferred to another entity, directly or via the GSA, the restrictions on use established by the cleanup standard for the site and by local zoning regulations would remain in force. The impact of economic development activities would therefore be equal to or less extensive than those established by the MMCIC Reuse Plan.

When compared to the proposed action, the above alternative actions are successful in meeting the purpose and need for the action, but do not meet the underlying goals for redevelopment identified in Section 2.3.

If DOE retains ownership and executes a short- or long-term lease of the South Property, the restrictions on use would remain in force. The impact of economic development activities would be expected to be less than those established for a large-scale landlord such as MMCIC. The DOE, by retaining ownership, would also be able to exert greater control over activities on the property. However, this alternative does not meet the purpose and need for the action.

4.3 No Action

The no action alternative would leave the land undeveloped. As a result, no new or increased adverse effects would be encountered. The no action alternative, however, does not meet the purpose and need for the action.

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- Kroonemeyer 1991b Letter from K. Kroonemeyer (FWS) to M. Gilliat (EG&G Mound), *Construction of Roadways*, U.S. Department of the Interior, Fish and Wildlife Service, Reynoldsburg, Ohio April 4, 1991 (reproduced in Appendix A).

- Lewis 1992 Letter from S. Lewis (ODNR) to M. Gilliat (EG&G Mound), *Wild and Scenic River Systems*, Ohio Department of Natural Resources, Columbus, Ohio, July 14, 1992 (reproduced in Appendix A).
- LMI 1998 Labor Market Information Division, Ohio Bureau of Employment Services, Ohio Employment Information downloaded from <http://lmi.state.oh.us/index.htm>, including, but not limited to, the Dayton-Springfield MSA Industry Employment Projections Report, 1994-2005.
- Luce 1988 Letter from W. Luce (OHPO) to D. Lammlein (EG&G Mound), *Newly Acquired Land*, Mound Facility, Miamisburg, Ohio, Ohio Historic Preservation Office, Columbus, Ohio, January 25, 1988 (reproduced in Appendix A).
- MMCIC 1997 *Miamisburg Mound Comprehensive Reuse Plan*, Miamisburg Mound Community Improvement Corporation, Miamisburg, Ohio, January 1997.
- Newell 1994 Letter from G. Newell (COE) to A. Kleinrath (US DOE), *Mound Plant Site Wetland Delineation*, U.S. Department of the Army, U.S. Army Corps of Engineers, Louisville, Kentucky, June 21, 1994 (reproduced in Appendix A).
- Riordan 1987 *An Archaeological Survey of Portions of the Mound Facility, Montgomery County, Ohio*, R.V. Riordan, Public Archaeological Report No. 18, Laboratory of Anthropology, Wright State University, Dayton, Ohio, December 1987.
- Simmons 1998 Memorandum from C. Simmons (MMCIC) to S. Smiley (US DOE), *Mound Potential Land Uses*, Miamisburg Mound Community Improvement Corporation, Miamisburg, Ohio, July 10, 1998 (reproduced in Appendix A).
- Skinner 1991 *Literature Review Update and Archaeological Survey of the EG&G Mound Facility and Adjacent Areas, City of Miamisburg, Miami Township, Montgomery County, Ohio*, S. Skinner, Archaeological Services Consultants, Inc., Columbus, Ohio, April 1991.
- Thorsen 1993 Letter from J. Thorsen (Weston) to K. Koehler (EG&G Mound), *Endangered Species*, Weston, Cincinnati, Ohio, January 11, 1993 (reproduced in Appendix A).

- Upshaw 1998 Letter from A. Upshaw (BWO) to M. Willis (OEPA), *Transmittal of Water Withdrawal Facility Registration Annual Report Form*, Babcock & Wilcox of Ohio, Miamisburg, Ohio, March 4, 1998 (reproduced in Appendix A).
- Vincent 1995 Letter from O. Vicent (DOE) to V. Adamkus (US EPA), *Request for Concurrence of Property Transfer*, U.S. Department of Energy, Miamisburg Area Office, Miamisburg, Ohio, February 3, 1995 (reproduced in Appendix A).



APPENDIX A SUPPORTING REFERENCES

Index

CERCLA Documents

- Adamkus, 1995 Operable Unit 5 New Property Phase I Field Report
- Core Team, 1996 Concurrence Regarding Release Block B
- Vincent, 1995 Request for Concurrence of Property Transfer

Community Reuse

- CBD, 1996 Sale of Real Property and Facilities
- DOE, 1998a Sales Contract by and Between the United States Department of Energy and the Miamisburg Mound Community Improvement Corporation
- Simmons, 1998 Mound Potential Land Uses

Cultural Resources

- Epstein, 1999 Environmental Assessment, Disposition of South Property, Mound Plant, Miamisburg, Montgomery County, Ohio
- Kitchen, 1991 Archaeological Sites
- Luce, 1988 Newly Acquired Land

Floodplains and Wetlands

- Hook, 1999 Meeting Minutes: Wetlands Delineation, South Property
- Jamieson, 1993 Letter of Map Amendment for the Special Flood Hazard Areas on the Mound Plant
- Newell, 1994 Mound Plant Site Wetland Delineation

Threatened and Endangered Species

- Gilliat, 1998 Federal Listed Threatened and Endangered Species in Montgomery and Warren Counties
- Hillmer, 1992 Ecological Sites
- Hissong, 1991 Endangered Wildlife
- Kroonemeyer, 1991a Construction of Roadways
- Kroonemeyer, 1991b Construction of Roadways
- Thorsen, 1993 Ohio Endangered Species

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Water Demand

Upshaw, 1998

Transmittal of Water Withdrawal Facility Registration Annual Report
Form

Wild and Scenic Rivers

Lewis, 1992

Wild and Scenic River Systems



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 24 1995

REPLY TO THE ATTENTION OF:

Mr. Oba Vincent
Associate Director
Office of Environmental Management
United States Department of Energy
Miamisburg Area Office
P.O. Box 66
Miamisburg, Ohio 45343-0066

R-19J

Dear Mr. Vincent:

Thank you for your letter of February 3, 1995, which transmitted information regarding the transfer of a designated parcel of property at the United States Department of Energy (DOE) Mound Plant in Miamisburg, Ohio.

The information was submitted to the United States Environmental Protection Agency (EPA) for review, as required by the National Defense Authorization Act for Fiscal Year 1994. Section 3154, Lease of Property at DOE Weapon Production Facilities, subsections (e) (1) and (2) requires consultation with and concurrence from EPA in determining whether the environmental conditions of the property and terms and conditions of the lease agreement are consistent with safety and the protection of public health and the environment prior to entering into a lease agreement.

EPA carefully reviewed the information submitted, which included the Operable Unit 5 New Property Phase I Field Report. The New Property was purchased by DOE in August 1981. Based on Mound Plant records and interviews of employees, it has been determined that no disposal or storage of hazardous materials has taken place at the New Property. Also, extensive data collection and analysis has confirmed that no contaminants of concern have migrated to the New Property from the operational areas at the Mound Plant. Based upon the information available, EPA hereby approves the transfer or sale of the New Property by the DOE.

EPA fully supports redevelopment and reuse of the structures and equipment available at the Mound Plant. However, assurances must be provided that all property and building transitions will be protective of the environment and public health. If you have any questions or concerns about this or future economic development issues at the site, please contact me at (312) 886-3000.

Sincerely yours,

Valdas V. Adankus
Regional Administrator





The Mound Core Team
P.O. Box 66
Miamisburg, Ohio 45343-0066

The risk assessment performed for Release Block B, which is included in the "Operable Unit 5, New Property Remedial Investigation Report" (Final, Revision 0, February 1996) satisfies the Mound 2000 Residual Risk Evaluation Criteria and indicates that Release Block B does not pose an unacceptable risk to human health or the environment.

The Release Block B risk assessment follows the standard CERCLA risk assessment guidance. Environmental samples from soil, sediments, surface water, and groundwater were analyzed in accordance with the Operable Unit 5 Quality Assurance Project Plan (QAPjP) and therefore meet the high quality standards for a risk assessment.

In comparison, the Mound 2000 Residual Risk Evaluation Methodology incorporates radiological soil screening information. This information is normally not included in a risk assessment since much of it was obtained prior to initiation of the CERCLA program and it is not covered by a CERCLA QAPjP. However, this approach remains conservative because the individual Potential Release Sites (PRSs) have been screened using guideline criteria for determination of potential removal actions prior to the overall release block Residual Risk Evaluation.

CONCURRENCE:

DOE/MB: Arthur W. Kleinrath 8/20/96
Arthur W. Kleinrath, Remedial Project Manager (date)

USEPA: Timothy J. Fischer 8/20/96
Timothy J. Fischer, Remedial Project Manager (date)

OHIO EPA: Brian K. Nickel 8/20/96
Brian K. Nickel, Project Manager (date)



Department of Energy

Ohio Field Office
Miamisburg Area Office
P.O. Box 66
Miamisburg, Ohio 45343-0066



FEB 3 1995

Mr. Valdas V. Adamkas
USEPA Administrator
77 W. Jackson Street
Chicago, Il 60604

Dear Mr. Adamkas:

The purpose of this letter is to request U.S. Environmental Protection Agency (EPA) concurrence in the transfer of a designated parcel of property at the Mound Plant. This transfer will take place in accordance with Mound Plant Federal Facility Agreement, Section XXVIII.B; as well as the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 120(h), 42 U.S.C., Section 960(h). It is the intent of the U.S. Department of Energy (DOE) to support the commercialization of the Mound facility. The intent is to transfer or lease the parcel, defined below, to the City of Miamisburg. The City of Miamisburg has targeted the New Property for commercial development.

The subject parcel consists of the area located south of a boundary defined as 500 feet north and parallel to the Benner Road fence line. It is located in an area known as the Mound New Property. The area has been in possession by the DOE since August of 1981. It is undeveloped and lies fallow. Except for the farming facilities of the previous owner (which have been raised) and an access roadway to the Mound Plant, no signs of excavation, construction, or disposal by the Mound Plant or previous ownership has occurred.

DOE has complied with the requirements established in CERCLA 120(h)(4). In particular, we have concluded that there are no contamination problems which would prevent transfer of this parcel. This conclusion is primarily based on the following considerations:

(1) Review of Mound records and interviews with veteran employees, have confirmed the fact that no hazardous substances, pollutants, or contaminants have been disposed or stored on this parcel of land. The nearest Mound industrial activities take place over 1500 feet away.

(2) Extensive data collection at the site has confirmed that no contaminants of concern have migrated to the site. A document summarizing these data, entitled Operable Unit 5 Phase I New Property Field Report, has been transmitted to Mr. Tim Fischer, USEPA, and Mr. Brian Nickel, OEPA.

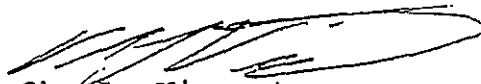
FEB 3 1995

(3) The parcel of land is topographically separated from the rest of the Mound facility by an existing ephemeral stream which flows east to west across the New Property. The topography south of this stream slopes generally to the north and northwest, placing the subject parcel in an area where sediments, surface water, and shallow groundwater are unlikely to migrate from the industrial activities of the Mound Plant.

For these reasons, we are convinced that making this parcel available to the City of Miamisburg is in the public interest and compatible with all applicable requirements. We therefore request EPA's concurrence, so that the formalities of the land transfer process can be initiated.

We look forward to hearing from you at the earliest opportunity. If you have any questions, please contact me at (513) 865-3278.

Sincerely,



Oba L. Vincent
Associate Director
Office of Environmental Management

cc:

Tim Fischer, USEPA
Brian Nickel, OEPA
John Sands, USDOE/HQ
Arthur Kleinrath, USDOE/MB
Michael Reker, USDOE/MB
Alan Spesard, USDOE/MB
John Murphy, USDOE/OH
Susan Smiley, USDOE/OH
Charles Friedman, EG&G Mound
Monte Williams, EG&G Mound



Commerce Business Daily

FACTORING GOVERNMENT CONTRACTS?

SALE OF REAL PROPERTY AND FACILITIES



Category: E Purchase of Structures and Facilities - Potential Sources Sought (PROCUREMENTS)

Date Posted: 1996-08-07

Contact: MMCIC, P.O. Box 232, Miamisburg, Ohio 45343 and Department of Energy, Ohio Field Office, P.O. Box 3020, Miamisburg, Ohio 45343-3020

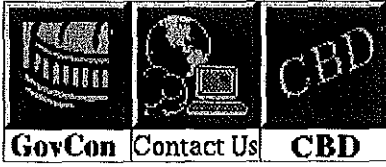
Synopsis:

E -- SALE OF REAL PROPERTY AND FACILITIES POC Carl Simmions, Marketing Department, (513)865-4462 and Irma Brown, Contract Specialist, (513) 865-3030 The U.S. Department of Energy (DOE) is completing its defense weapons activities at the Mound Plant in Miamisburg, Ohio and intends to begin negotiations with the Miamisburg Mound Community Improvement Corporation (MMCIC) regarding the sale, under Section 161g of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(g), and productive reuse of the real property and facilities located at the plant site. Transfer of title to real property parcels is expected to commence in 1997. The MMCIC is recognized by DOE as the Agent of the City of Miamisburg responsible for the transitioning of facilities, equipment, infrastructure and real estate to the private sector for purposes of economic development and conversion. The Mound Plant is located in the southwest corner of Miamisburg, Ohio approximately ten miles south-southwest of Dayton and 31 miles north-northeast of Cincinnati, Ohio, and approximately four miles west of Interstate I-75. The Plant is on approximately 306 acres and is currently operated by EG&G Mound Applied Technologies under contract with DOE. The 306 acres that comprise the entire Mound Plant property are industrially zoned. Pursuant to the Federal Facility Agreement under CERCLA Section 120, the DOE remains responsible for the environment legacy from past operations, and is in the process of remediation. The north portion of the site is comprised of approximately 181 acres and contains the 122 structures located at the plant. These include a steam generating station, an independent water supply and waste water treatment facilities. There is approximately 370,000 square feet of office space, 111,000 square feet of warehouse space, 779,000 square feet of industrial/technical space and 83,000 square feet of miscellaneous building space for a total of 1,345,000 square feet of gross building area. The southern portion of the property is comprised of 123 unimproved acres and has access to both the adjacent north plant property and to state and local roads. Expressions of interest in the subject property should be directed to MMCIC, PO BOX 232, Miamisburg, OH 45343 ATTENTION: MARKETING DEPT. with copies to DOE, Ohio Field Office, Real Estate, PO BOX 3020, Miamisburg, OH 45434. All responses must be in writing and limited to no more than one page including the following information: company name, address, contact name, phone number, and a general description of the intended use for the property and any specific property needs the user may require. The purpose of this is to create a "potential client" data base. All respondents will receive a site brochure and pertinent information relating to their interest. All real property transactions must be consistent with the MMCIC site vision. (0218)

For assistance in interpreting the CBD announcements, please see the [CBD Reader's Guide](#).

BIG-AWARD NO MONEY?

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SALES CONTRACT

by and between

the

UNITED STATES DEPARTMENT OF ENERGY

and the

MIAMISBURG MOUND COMMUNITY

IMPROVEMENT CORPORATION

JANUARY 23, 1998



THIS SALES CONTRACT made, entered into, and effective this 23 rd day of January, 1998, between the MIAMISBURG MOUND COMMUNITY IMPROVEMENT CORPORATION (MMCIC), an Ohio Corporation, located at P. O. Box 232, Miamisburg, OH 45343-0232, hereinafter referred to as "Buyer," and the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF ENERGY, hereinafter referred to as "Seller." Buyer and Seller are hereinafter jointly referred to as "the Parties."

WITNESSETH:

WHEREAS, Seller has owned and maintained a facility at 1 Mound Road, City of Miamisburg, Montgomery County, Ohio, since late 1946 ("Mound Facility"); and -

WHEREAS, Seller has determined that it is in the best interest of the United States of America to sell the real property comprising the facility and any improvements thereto; and

WHEREAS, Buyer is interested in minimizing the impact to the community caused by the closure of the Mound Facility. Buyer's mission is the reuse of the Mound Facility and creation of employment opportunities in the community; and

WHEREAS, pursuant to the Atomic Energy Act of 1954, Section 161(g), 42 U.S.C. §2201(g), the Department of Energy has the independent authority to sell, lease, grant, and dispose of such real and personal property as provided in that Act; and

WHEREAS, Seller has determined that the rapid cleanup and sale of the facility to Buyer will assist the community in adjusting to the changes resulting from the closure of the Mound Facility; and

WHEREAS, the Parties will execute a Memorandum of Agreement in order to establish a working relationship between the Parties in order to transition the Mound Facility; and

NOW, THEREFORE, for the following-described consideration, the parties hereto agree as follows:

I. DESCRIPTION OF PROPERTY:

A. In consideration of the payment hereinafter agreed to be paid by Buyer to Seller, and in consideration of the covenants of the respective Parties hereto, each to the other to be performed by them at the time and in the manner hereinafter provided, the Parties do hereby agree to the following transaction:

The purchase of real estate and improvements thereto located in Montgomery County, Ohio, and as described in Exhibit A, which contains a legal description of the real property and a list of the improvements excluded from this Sales Contract (except as provided in Exhibit B) attached hereto and made a part hereof (hereinafter referred to as the "Premises").

B. Accuracy of Description: The description of the Premises set forth in this Agreement, and any other information provided with regard to the Premises, is based on the best information available to the Seller and is believed to be correct, but an error or omission, including, but not limited to, the omission of any information related to the description available to the Seller or any other Federal agency, shall not constitute grounds or reason for nonperformance of this Agreement or any claim by the Buyer against the Seller. The Seller will, at no expense to it, cooperate in executing and delivering quit claim deeds necessary to convey omitted land intended to be included in

the Premises and to correct any description of the Premises.

II. PURCHASE PRICE AND OTHER CONSIDERATION:

A. Seller agrees to sell and the Buyer agrees to buy the entire Premises described in Exhibit A for TEN DOLLARS (\$10.00) and other good and valuable consideration, (hereinafter the "purchase price").

B. The Office of Nuclear Energy, Science and Technology (NE) is currently evaluating whether to continue its mission (production of radioisotope power systems) at the Mound Facility. Depending on the outcome of this evaluation or subsequent future determinations, including appropriate NEPA documentation, and what actions will be required to remediate buildings and other property, the Seller may or may not add additional buildings to Exhibit A. The Seller's decision, which will be memorialized in an addendum to the Sales Contract, will not be a basis for Buyer to revise the terms of the Sales Contract (See Exhibit B for buildings which may be added). Until such time as all of the buildings listed in Exhibit B are conveyed under this contract, Buyer acknowledges that the Seller may continue the NE mission at the Mound Facility.

III. CONVEYANCE:

Seller agrees to convey the entire Premises by discrete parcels, subject to the Comprehensive Environmental Response, Compensation and Liabilities Act (CERCLA) §120(h) which may require coordination with the United States Environmental Protection Agency (USEPA) on each transfer of each discrete parcel. Each discrete parcel shall be conveyed to Buyer via a series of quit claim deed (or deed without warranty) transfers as Seller relinquishes each discrete parcel; when appropriate regulatory agency approval for

deed transfer is received; and after completion of any necessary National Environmental Policy Act (NEPA) review. Upon the Seller's notice to Buyer of readiness to convey any such parcel(s), the Buyer shall accept the tender in a timely manner, not to exceed thirty (30) calendar days from receipt of the notice. Notwithstanding the foregoing, the Parties may mutually agree to defer any conveyance(s) for a reasonable period of time in order to accommodate the Buyer's need to reasonably create economically useful parcel(s). The Buyer shall provide its reasons for deferral, in writing, to the Director, Miamisburg Environmental Management Project, within fifteen (15) calendar days of its receipt of Seller's notice of readiness to convey. Such deferral shall not extend beyond the date when the requirements of CERCLA §120(h) have been satisfied as to the entire Premises nor shall any deferral have any cost impact upon the Seller. If the Parties are unable to agree to the deferral of a conveyance, the matter shall be resolved under Section XXIV as set forth herein.

IV. TITLE EVIDENCE:

Buyer reserves the right to procure a title report and/or obtain a title insurance commitment issued by an Ohio licensed title insurer agreeing to issue to Buyer, upon recording of the deed to Buyer, a standard owner's policy of title insurance in the amount of the purchase price (with fee owner's title policy premium to be paid by Buyer), insuring Buyer's good and marketable title to the Premises, subject only to those standard exceptions appearing in the owner's title policy, which from Buyer's reasonable standpoint does not unduly affect title, and those items which shall be discharged by Seller at or before the Closing Date.

V. INGRESS AND EGRESS:

Seller warrants that there is ingress and egress to the Premises. Buyer agrees that Seller will be granted at no cost temporary easements as are deemed necessary by Seller after conveyance of any particular parcel(s). Seller agrees to utilize best efforts to avoid interfering with ordinary and reasonable use of conveyed parcels. The USEPA and the Ohio Environmental Protection Agency (OEPA) and/or their Authorized Representatives shall have the authority to enter the Premises at all reasonable times for purposes consistent with the Federal Facilities Agreement (FFA).

VI. DOCUMENTARY STAMPS AND COST OF RECORDING:

The Buyer shall pay all taxes and fees imposed on these transaction(s) and shall obtain at Buyer's own expense and affix to all instruments of conveyance and security documents such revenue and documentary stamps as may be required by the Federal, State, and local law. All instruments of conveyance and security documents shall be recorded in the manner prescribed by State and local recording statutes at the Buyer's expense.

VII. CLOSING PROCEDURE:

Buyer and Seller will conduct closings at the transfer of each discrete parcel to assure that conditions for transfer have been met. The consideration payable by Buyer shall be made at the closing for the first discrete parcel.

VIII. PRORATIONS:

Taxes, assessments, insurance, and other expenses and revenue of the Premises, if any,

shall be prorated through the day prior to closing for each parcel. The costs for all utility and other support service contracts as they pertain to each parcel will be the responsibility of the Buyer after the date and time of closing for each parcel. In the event such services are provided under Seller's utility or support service contracts, Buyer shall be billed the costs associated with each of its parcels and shall make payment within thirty (30) calendar days of receipt of an invoice. This does not imply an obligation on Buyer's part to retain such contracts after transfer of any discrete parcel.

IX DOCUMENTS FOR CLOSING:

Prior to the closing upon any discrete parcel, Seller shall furnish or cause to be furnished, for Buyer's review, copies of the Quit Claim Deed or Deed Without Warranty, a copy of this Sales Contract, associated exhibits, and closing statements.

X. PLACE OF CLOSING:

Closing shall be held at the offices of Seller, in the City of Miamisburg, Ohio or such other place as may be agreed upon.

XI RESTRICTIONS, EASEMENTS AND LIMITATIONS:

Buyer shall take title subject to zoning regulations and restrictions appearing on the plat or otherwise common to the subdivision; public utility easements of record; taxes from the date of closing and subsequent years; and any other matters in the title report.

XII SUCCESSORS AND ASSIGNS:

The covenants, provisions and agreements herein contained shall in every case be binding on and inure to the benefit of the Parties hereto respectively, and their respective successors. The rights and responsibilities under this Sales Contract may not be assigned

by Buyer without the written consent of the Seller.

XIII. BROKER:

Seller and Buyer warrant and represent to each other, respectively, that they have engaged no real estate broker with respect to purchase of the Premises.

XIV. CONDITION OF PREMISES:

It is understood and agreed that the Premises will be cleaned by the Seller to an “industrial use” standard as set forth in Section XVI of this Sales Contract. Except for the effects of Seller’s plans for remediation activities, deferral of the transfer of any property to Buyer hereunder, and reasonable wear and tear, all buildings, utilities, and other property conveyed will be transferred in “as is” and “where is” condition as at the signing hereof, without any warranty or guarantee, expressed or implied, of any kind or nature, except as otherwise expressly stated in this Sales Contract. Notwithstanding the foregoing, the Seller shall not be obligated to repair, replace or rebuild any structures required to be totally or partially removed as a result of remediation activities. Except as provided for in Section XXII, the Seller shall not be responsible for any liability to the Buyer or third persons arising from such condition of the Premises. The failure of the Buyer to inspect fully the Premises, or to be fully informed as to the condition thereof, will not constitute grounds for any noncompliance with the terms of this Sales Contract.

XV. RISK OF LOSS:

If the Premises or any portion thereof are damaged by fire or other casualty prior to closing, Seller shall have no obligation to repair or rebuild the Premises. In the event

such casualty occurs, Buyer shall complete the purchase on the terms presented herein, and accepts the Premises in its then "as is" condition. In the event of total loss of a facility or building prior to closing, Seller will be responsible for debris removal and grading.

XVL WARRANTIES AND REPRESENTATIONS:

- A. (1) Seller represents and warrants under its enabling legislation, the Atomic Energy Act, that (i) it has the full capacity, power and authority to enter into and perform this Sales Contract and the transactions contemplated herein, and (ii) the execution, delivery and performance by Seller of this Sales Contract has been duly authorized and approved by all necessary governmental action on the part of the Seller (except for as noted herein).
- (2) Buyer represents and warrants that (i) it is a corporation, duly organized and in good standing under the laws of the State of Ohio, (ii) it has full capacity, power and authority to enter into and perform this Sales Contract and the transaction contemplated herein, and (iii) the execution, delivery and performance by Buyer of this Sales Contract have been duly and validly authorized and approved by all necessary action on the part of Buyer.
- B. To the best of the Seller's knowledge there are no facts known to Seller materially affecting the value and condition of the Premises which are not readily observable by Buyer or which have not been disclosed to Buyer. The Parties acknowledge that in the course of the cleanup of the Premises, additional facts regarding the value and condition of the Premises will be identified and that such facts shall be

disclosed to Buyer in a timely manner.

- C. Acceptance of Property: Prior to the conveyance of any discrete parcel, the Buyer shall acknowledge that it has reviewed the existing environmental reports provided by Seller for DOE's Mound Facility, Miamisburg, Ohio. Prior to the transfer of any discrete parcel, Buyer will be provided with an environmental summary of any hazardous constituents remaining on the property and an opportunity to inspect the parcel(s) being transferred.
- D. Notice of Hazardous Substances: Pursuant to §120(h)(1) of CERCLA, 42 U.S.C §9620(h)(1), and 40 CFR Part 373, the Government has made a complete search of its records concerning the Premises. These records indicate that hazardous substances, as defined by §101(14) of CERCLA, have been stored, disposed, or generated on the Premises during the time the Premises were owned by the Government. Exhibit C, attached hereto, more fully describes and documents the quantities of hazardous substances released or disposed of on the Premises by the Seller as of the date hereof. The Premises are listed on the National Priorities List and Seller agrees to meet all CERCLA §120(h) obligations associated with the transfer of the Premises.
- E. Remedial Action Covenant: All remedial action necessary to protect human health and the environment with respect to any such substances remaining on the Premises has been or will be taken before the date of transfer, and any additional remedial action found to be necessary by regulatory authorities with jurisdiction

over the property due to contamination or hazardous substances present or in existence on the Premises as of closing, shall be conducted by the Seller.

- F. With respect to each parcel conveyed, the representations and warranties of Seller and Buyer contained in this Section XVI shall survive the closing.
- G. Seller has cleaned or will clean the Premises to an "industrial use" standard consistent with the exposure assumptions provided in the "Mound 2000 Residual Risk Evaluation Methodology," dated January 6, 1997 and endorsed by the USEPA and the OEPA, and attached hereto as Exhibit D and the Mound Building Disposition Process, as approved by USEPA and OEPA.

XVII. FACILITY ENVIRONMENTAL PERMITTING:

The Premises and the operations thereon are currently the subject of multiple environmental permits issued by various Federal, State, and local agencies. Some of the permits may be assigned or may be amended to encompass the operations of the Buyer. Seller agrees that it will cooperate in all applications sought by Buyer to acquire replacement permits for Buyer's operations and usage, where appropriate. If it is mandated by the appropriate regulatory agency that Buyer apply for a particular permit or assume the assignment of a particular permit, Buyer will make every reasonable effort to do so in a timely manner. Buyer is hereby notified that Seller's EPA identification number will not be transferred. Buyer is solely responsible, at its cost, for obtaining any Governmental approvals or permits that Buyer may need in connection with the transactions contemplated by this Sales Contract. Buyer's acquisition of such approvals or permits is not a condition precedent to the closing.

XVIII. OTHER AGREEMENTS:

No prior, present, or contemporaneous agreements shall be binding upon Buyer or Seller unless specifically referenced in this Sales Contract. No modification or change in this Sales Contract shall be valid or binding upon the Parties unless in writing and executed by a representative authorized to contract for each Party.

XIX. NOTICES:

Any notices required under this Sales Contract shall be forwarded to Buyer or Seller respectively by Registered or Certified mail, return receipt requested, or by overnight delivery, at the following addresses:

Realty Officer

U.S. Department of Energy

Ohio Field Office

P. O. Box 3020

Miamisburg, OH 45343-3020

President

Miamisburg Mound Community Improvement Corporation

P. O. Box 232

Miamisburg, OH 45343-0232

XX. LIMITATION OF BUYER'S AND SELLER'S OBLIGATION:

A. The responsibilities of the Seller, as described in this Sales Contract, are subject to the availability of appropriated Environmental Management program funds for cleanup of the Miamisburg Environmental Management Project and the Anti-Deficiency Act, 31 USC §§ 1341 and 1517. In the event that the remediation of any portion of the Mound Facility is extended beyond February 1, 2008, the Buyer will, at Buyer's option, be relieved from any further performance under this Sales Contract. Buyer must exercise such option by providing written notice to Seller on or before December 1, 2007. Should Buyer choose to exercise this option, then Buyer shall: (i) remit to Seller any profits received from the sale of any parcels to the extent such profits have not been invested into the Mound Facility, and (ii) provide such information and data as are requested by Seller to determine the profits and extent of investment in the Mound Facility.

Notwithstanding the foregoing, the Seller will, commencing on October 1, 2003, and continuing until this Sales Contract is concluded, provide to the Buyer an annual written report on the current remediation schedule and such report will include the projected completion dates for remediation of all portions of the Premises.

B. The Buyer shall, to the extent permitted under applicable law, indemnify and defend the United States against, and hold the United States harmless from damages, costs, expenses, liabilities, fines, or penalties incurred by Seller and/or third parties and resulting from Buyer's activities on the Premises, or any part thereof, including releases or threatened releases of, or any other acts or omissions related to, any hazardous wastes, substances, or materials by the Buyer and any subsequent lessee of the Premises or any

subdivision thereof, their officers, agents, employees, contractors, sublessees, licensees, or the invitees of any of them.

XXI. RIGHT OF ACTION:

The provisions of this Sales Contract are not intended to benefit third persons, and breach thereof shall not be the basis for a cause of action by such third person against either Party.

XXII. SELLER'S INDEMNIFICATION:

A. Seller hereby agrees to hold harmless and indemnify the Buyer against any claim for injury to person or property that results from the release or threatened release of a hazardous substance or pollutant or contaminant as a result of DOE activities at the defense nuclear facility on which the property is located, as authorized by Public Law 105-85, the National Defense Authorization Act of 1998, Section 3158, subject to the promulgation of regulations and notification of Congress as required under paragraph (a) of Section 3158. This indemnification is subject to the exceptions and conditions stated in Section 3158, including, but not limited to, the following:

- (i) The person or entity making the request for indemnification must notify the Secretary of Energy in writing within two years after such claim accrues and provide copies of pertinent papers and evidence or proof of the claim;
- (ii) The person or entity the Secretary may be required to indemnify must permit the Secretary to settle or defend the claim; and
- (iii) The indemnification shall not apply to the extent the persons or entities receiving the indemnification contribute to any such release or threatened release.

B. In the event the conditions relating to the issuance of regulations and submission of Congressional notification referenced in paragraph XXII.A. above are not met, the Seller agrees to reimburse costs that would otherwise be subject to indemnification, subject to the availability of appropriated funds appropriated by Congress for such purpose.

C. Notwithstanding the foregoing, any payment of indemnity shall be limited to the availability of funds specifically appropriated by Congress and shall not entail expenditures which exceed the appropriation available at the time of the event which gives rise to a claim for indemnity. Nothing in this provision may be considered as implying that Congress will, at a later date, appropriate funds sufficient to meet claims under this indemnity.

XXIII. OFFICIALS NOT TO BENEFIT:

No member of or delegate to the Congress, or resident commissioner, shall be admitted to share any part of this Sales Contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the Sales Contract if made with a corporation for its general benefit.

XXIV. DISPUTES:

A. Except as otherwise provided in this Sales Contract, any dispute concerning a question of fact arising under Section III of this Sales Contract which is not disposed of by agreement between the Parties shall be decided by the Director, Miamisburg Environmental Management Project (MEMP), or his successor in function. The Director, MEMP, shall within twenty (20) calendar days mail or otherwise furnish a written decision to the Buyer. The decision of the Director, MEMP, shall be final and conclusive

unless, within twenty (20) calendar days from the date of receipt of such copy, the Buyer mails or otherwise furnishes to the Director, MEMP, a written appeal addressed to the Associate Deputy Secretary for Field Management (FM-2). The decision of the Associate Deputy Secretary for Field Management (FM-2), this officer's successor, or the duly authorized representative for the determination of such appeals shall be presented in writing within twenty (20) calendar days from receipt of notice of appeal and shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the Buyer shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute under this Section, the Buyer shall proceed diligently with the performance of this Sales Contract in accordance with the decision of the Director, MEMP.

B. This Section shall not preclude consideration of questions of law in connection with decisions provided for herein. Nothing in this Section, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

XXV. PLANNING AND DEVELOPMENT:

A. The Seller is aware that the Buyer is acquiring the Premises for development for industrial use. Accordingly, the Seller agrees that it shall cooperate reasonably with the Buyer and sign such documents and undertake such other acts, without incurring costs or liability, that are necessary for the Buyer to complete the planning, zoning, and

development of the Premises, the resale and marketing of any portion of the Premises, and the formation and operation of special districts, metropolitan districts, and other quasi-governmental entities organized for the purpose of providing infrastructure facilities and services to or for the benefit of the Premises.

B. Without incurring costs or liability, the Seller will cooperate reasonably with the Buyer by signing such documents necessary for the Buyer to apply to the Auditor and to the Treasurer of Montgomery County, Ohio, for tax valuation reduction with regard to the Premises. Upon request by the Buyer, accompanied by a legal description, the Seller will execute and deliver to and in the name of the Buyer one or more easements, for subsequent re-grant to local utility providers, for the purpose of installing new utility systems and relocating any existing systems, on any portion of the Premises. Other easements include, without limitation, easements for ingress and egress and private utility lines required in connection with any portion of the Premises being conveyed. Such easement documents shall be in form and content reasonably satisfactory to the Seller and Buyer.

IN WITNESS WHEREOF, the Parties, by and through their authorized representatives have executed the foregoing Sales Contract, effective the date first above written.

United States of America by and through the Department of Energy

Seller:

By: G. Leah Dever

G. Leah Dever, Manager, Ohio Field Office

Notary Public: Randolph Torney



My commission expires: _____

RANDOLPH T. TORNEY
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.

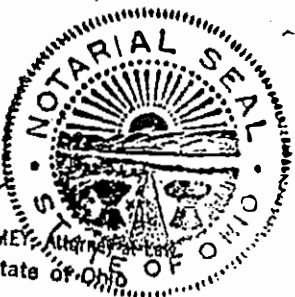
Miamisburg Mound Community Improvement Corporation

Buyer:

By: Michael J. Grauwelman

Michael J. Grauwelman, President

Notary Public: Randolph Torney



My commission expires: _____

RANDOLPH T. TORNEY, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.



EXHIBIT A

1) LEGAL DESCRIPTION

Situate in the State of Ohio, County of Montgomery, in the City of Miamisburg, being a part of section 30 and fractional sections 35 and 36, Town 2, Range 5, Miami Rivers Survey (M.R.S.), and being all of city lots numbered 2259, 2290, 4777, 4778, 4779, 6127 and 6128, and part of out lot 6 lying within the corporation limits of the City of Miamisburg, being all of the tracts of land conveyed to the United States of America by instruments as recorded in Deed Book 1214 pages 10, 12, 15, and 17, Deed Book 1215, page 347, Deed Book 1214 page 248, Deed Book 1246 page 45, Deed Book 1258 page 74, Deed Book 1258 page 56, Deed Book 1256 page 179, Micro-Fiche 81-376A01, and Micro-Fiche 81-323A11 of the Deed Records of said County and being more particularly bounded and described with bearings referenced to the Ohio State Plane Coordinate System, South Zone, as follows:

Beginning at a spike found (0.5' deep) and reset in concrete, being the Southwest corner of said section 30 and the Southeast corner of fractional section 36, said point being in the center of Benner Road (40 feet R/W) and being referenced North 84° 28' 10" West 3102.92 feet from a spike found (0.5' deep) at the intersection of the centerline of Mound Road (60 feet R/W) with the centerline of said Benner Road in said Miami Township, and being the true point of beginning for the land herein described; thence along the centerline of Benner road South 66° 32' 35" West 958.79 feet to a railroad spike found and reset in concrete; thence continuing along said centerline of Benner Road South 73° 18' 20" West 31.01 feet to a railroad spike found and reset in concrete, being a point in the East right-of-way line of the abandoned Miami and Erie Canal; thence leaving Benner Road and with said East right-of-way line for the following four courses: North 14° 05' 35" West 62.14 feet to an iron pin found; thence north 14° 11' 50" West 440.75 feet to an iron pin found; thence North 14° 47' 30" West 259.93 feet to an iron pin found; thence North 14° 45' 50" West 546.20 feet to an iron pin found and reset in concrete in the East right-of way line of the Consolidated Railway Corporation; thence with said Conrail right-of-way line for the following 10 courses: North 75° 00' 55" East 85.04 feet to an iron pin found and reset in concrete; thence North 37° 16' 35" East 96.65 feet to an iron pin set in concrete; thence North 80° 28' 05" East 66.00 feet to an iron pin found and reset in concrete; thence North 09° 31' 55" West 499.80 feet to a concrete monument found; thence North 09° 26' 35" West 696.85 feet to an iron pin set in concrete; thence North 0° 48' 25" West 616.81 feet to a concrete monument found; thence North 84° 43' 35" East 75.08 feet to an iron pin set in concrete; thence along the arc of a curve to the right having a radius of 3669.83 feet, being concentric with and 150 feet distant, measured Eastwardly at right angles, from the centerline between main tracks of said railroad; for a distance of 744.94 feet to a concrete monument set, the chord of said curve bears North 03° 17' 05" East 743.66 feet; thence South 84° 39' 20" East 150.34 feet to a concrete monument set; thence along the arc of a curve to the right having a radius of 3519.83 feet, being concentric with and 300 feet distant, measured Eastwardly at right angles, from the centerline between main tracks of said railroad, for a distance of 1640.97 feet to a

concrete monument found, the chord of said curve bears North 22° 36' 55" East 1626.15 feet; thence leaving said railroad right-of-way line South 84° 14' 50" East 102.31 feet to a concrete monument found; thence South 05° 37' 45" West 90.03 feet to a concrete monument found; thence North 65° 35' 50" East 809.36 feet to an iron pipe found and being referenced South 05° 47' 45" West 130.89 feet from a concrete monument found at the Northwest corner of said section 30 and the Northeast corner of fractional section 36; thence South 85° 04' 55" East 1023.90 feet to a concrete monument found; thence North 06° 53' 15" East 231.00 feet to a concrete monument found on the West right-of-way line of Mound Road (60 feet R/W); thence South 84° 38' 15" East 30.00 feet to an iron pin set in the centerline of Mound Road; thence South 06° 53' 15" West 100.00 feet to an iron pin set; thence South 84° 38' 15" East 193.40 feet to a concrete monument set; thence along the centerline of Mound Road South 05° 32' 40" West 2709.36 feet to a railroad spike found; thence leaving said Mound Road North 85° 28' 20" West 111.00 feet to an iron pipe found; thence South 07° 06' 55" East 714.44 feet to a concrete monument found; thence South 05° 52' 35" East 34.19 feet to a concrete monument found; thence South 04° 42' 45" West 2210.06 feet to a railroad spike found (0.2' deep) and reset in concrete located in the center of Benner Road; thence along the centerline of Benner Road North 84° 29' 45" West 1333.66 feet to the true point of beginning containing 305.116 acres more or less, and subject to all legal highways and easements of record.

(This description based upon an actual field survey of the described land conducted May, 1982. The description was prepared by Lockwood, Jones & Beals, Dayton, Ohio)

EXHIBIT A

2) REAL PROPERTY EXCLUDED FROM TRANSFER

BUILDING	USAGE	SQUARE FOOT
C	Records Storage (Old Cafeteria)	13403
E Annex	Offices	18157
E	Analytical Services/ Prod. Offices	29598
EG-1	E.G. #1 (S.W.E. B. R. WD. monitors)	240
EG-4	Electrical Generator #4 (G. P. 1)	148
EG-6	Electrical Generator #6 (SW/R bldg)	240
EG-7	Elect. Gen. #7 (TF Security lights)	80
GIS	Guard Shelter	168
GP-44	(Old Guard House at SM/PP)	365
HH	Isotope Separation	15276
PS	Paint Shop	2288
R	Operations Labs. Offices, Library	55003
SD	Sanitary Disposal, D&D	1593
SM	Demolished Nuclear Prod. Bld.	21700
SW	Tritium Coer. Dev. and Surv. labs	43066
WD	Rad. Liquid Proc./Waste Diso.	16216
1	EM Test Facility	986
5	Magazine	314
4	Dosimetry	670
6	Magazine	90
7	Storage	387
8	Magazine	66
10	Magazine	66
11	Magazine	372
13	Finng Shed	47
14	Magazine (Old Lead Melting)	53
16	Storage for 1 Bldg Area	480
17	Warehouse	1120
20	Magazine	303
21	Material Storage (Thorium Sludge)	4069
25	Weather/Meteorological Station	430
26	Maintenance Shop	800
27	Explosive Processing Facility	5285
30	Health Physics (SM Storage Bldg.)	740
31	TRU Waste Storage (SM Area)	8740
33	Old SM Maint. Shop (D&D Storage)	1344
34	Emergency Brigade Training Facility	1110
35	Non-Destructive Testing Facility	2500
38	PP Building (Plutonium Processing)	44327
39	Maintenance Offices	3515
42	HE Production (Pyro Fab. Facility)	2692
43	Devices Development	1516
46	Weid Development	2439
47	Security (Old Central Fire Station)	3611
51	Pilot Scale Test Fac. (Old Incinerator)	3541
52	Magazine	78
53	Magazine	239
54	Magazine (SEE DS BLDG)	331
55	Effluent Monitoring (water)	330
58	Filter Bank - SW Building	6610
59	Neutron Radiography Facility	668
64	Magazine	72
65	Offices	2400
66	Offices	600
67	Office Building	3787
68	Staging Area (D&D Dock)	1990
69	Offices	1620
70	Offices	3366
71	Flammable Liquids Storage	800
73	Gas Cylinder Storage	2200
74	Magazine (Old HE Packaging Fac.)	400
79	Offices	1650
80	Magazine	314
81	Magazine	314
82	Magazine	314
83	Magazine	314
84	Magazine	314
85	H.E. Powder Processing Facility	3160
90	EM Reton Facility	656
91	Offices and Training	8065
92	Training Facility	1600
93	Offices	2936
96	Armored Vehicle Shelter	432
101	Modular Office	1815
102	Office/Administration	10982
106	Storage	180
114	Nitrogen Separation	32

6.

6

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EXHIBIT B

OFFICE OF NUCLEAR ENERGY, SCIENCE AND TECHNOLOGY (NE) MISSION AT MOUND

The buildings, including equipment and associated land, that would continue to be used as part of the NE mission are: buildings 88, 44, 36, 37, 50, and EG2, (see attached map). Until such time as a decision is made to move the NE mission from the Mound Site, these buildings are EXCLUDED from the sale of the Site. In the event that the decision is made to move the NE mission from the Mound Site, the Sales Contract may or may not be modified to include the excluded property. Until conveyed to the Buyer under the terms of the Sales Contract, Seller's Office of Environmental Management will retain overall responsibility for the buildings as part of its overall site responsibilities. Building 38 and 46 are likely to be demolished and are excluded from the Sales Contract. The disposition of Buildings 38 and 46 are also the responsibility of Seller's Office of Environmental Management. Any future modifications to the Sales Contract involving buildings 88, 44, 36, 37, 50, and EG2 will not be grounds for nullifying the Sales Contract and/or causing DOE's forfeiture of consideration previously paid by the MMCIC when the Sales Contract was originally executed.

A sketch map of the NE Mission area and buildings is attached to this Exhibit B as Attachment 1. The Parties agree to incorporate a legal description of the NE Mission area into this Exhibit B.

EXHIBIT B
Attachment I

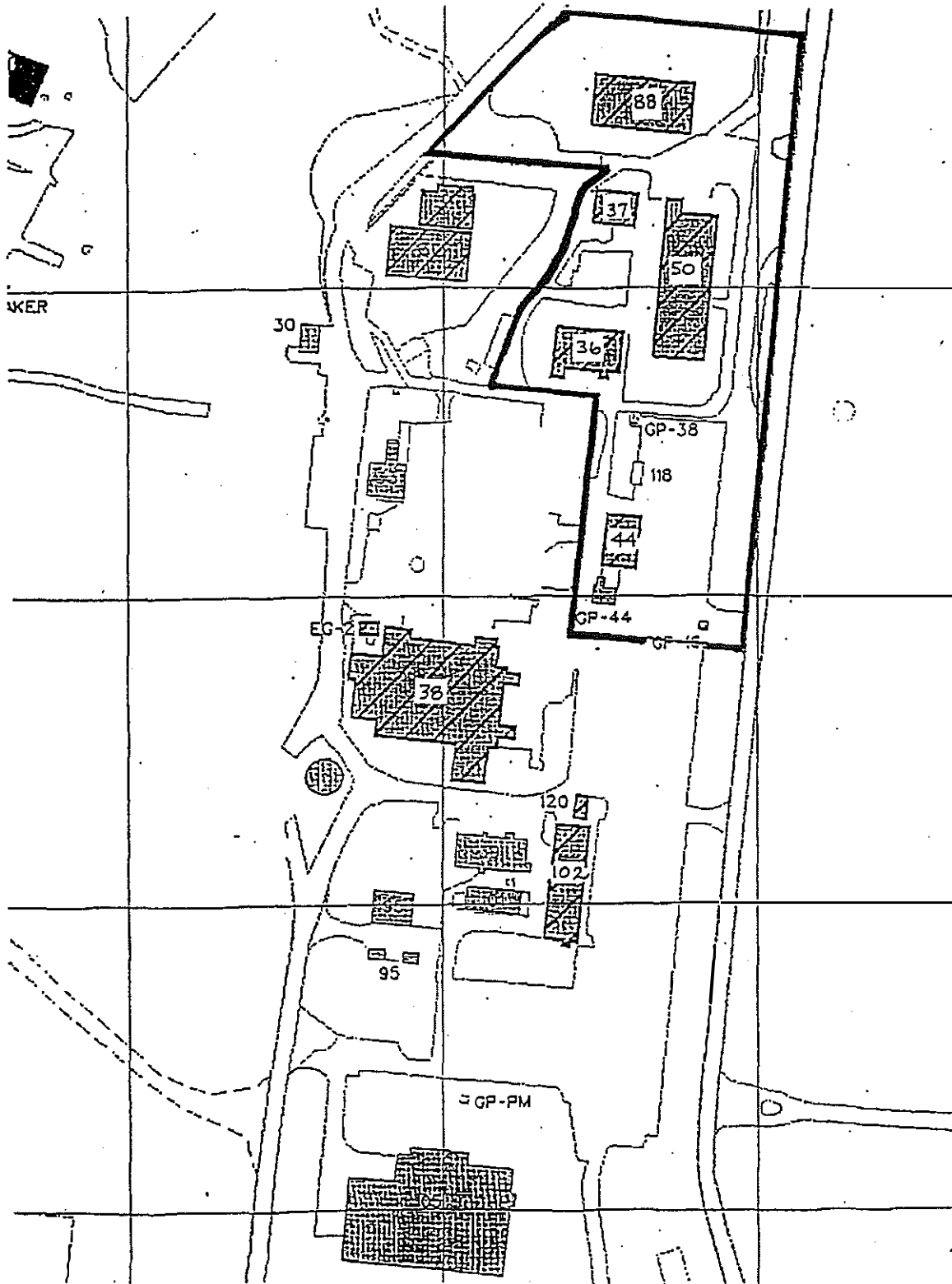


EXHIBIT C

**1) OPERABLE UNIT 9 SITE SCOPING REPORT:
VOLUME 7 - WASTE MANAGEMENT
DATED FEBRUARY 1993**

EXHIBIT C

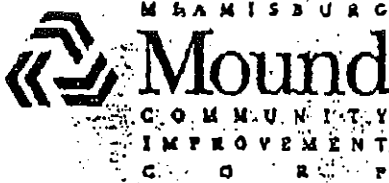
- 2) OPERABLE UNIT 9 SITE SCOPING REPORT:
VOLUME 12 - SITE SUMMARY REPORT
DATED DECEMBER 1994**

EXHIBIT D

MOUND 2000 RESIDUAL RISK EVALUATION METHODOLOGY

DATED JANUARY 6, 1997





Memorandum

TO: Sue Smiley, DOE/MEMP
FROM: Carl Simmons, Vice President-Operations
DATE: July 10, 1998
SUBJECT: Mound Potential Land Uses

Per your e-mail request, the MMCIC has "guesstimated" various types of businesses that may fit the site under Scenario II of the Sasaki Comprehensive Reuse Plan. Attached is a listing of potential land uses for the development acreage at the MATC after commercialization. I'm sure this doesn't catch them all, but the list shows that the site is planned for research/development, commercial and light industrial usage, business services or small distribution operations - much the same as Interstate Industrial Park in Miamisburg or the reuse portion of the site.

Relative to your question regarding an update to the CRP, we only plan to update the color rendering for the site to reflect the platting, the buildings that are planned for reuse or development, the latest road configuration and the new entries. No verbiage changes are planned.

CES:lpb

Attachment

POTENTIAL USES
FOR
SOUTHERN OPEN ACREAGE
MOUND ADVANCED TECHNOLOGY CENTER

1. Basic research or engineering laboratories with pilot production or experimental product development.
2. Professional and technical education and training facilities and activities.
3. Medical, dental or optical product manufacturing and testing.
4. Printing, publishing, binding and typesetting plants.
5. Light industrial companies utilizing the trades, such as carpentry, sheet metal, metal joining or machine shops.
6. Manufacturing, assembling or repairing of electrical and electronic products, components and equipment.
7. Distribution operations.
8. Research, development, and production activities involving energetic materials and devices.
9. Research and development activities regarding chemical products, ceramics, plastics or composites.
10. Development of products/processes for preventing contamination to soils, sediments and ground water or for remediation of same.
11. Offices of an administrative or of an executive nature, such as business information or engineering services.
12. Information service companies.
13. Other research, development and production activities of a synergistic nature to the automotive, aerospace or tool and die industries.

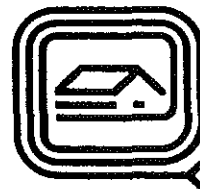
cc: Paul Lucas, U.S.
Linda Bauer, BWO

S. Smiley
2/18/99

Ohio Historic Preservation Office

567 East Hudson Street
Columbus, Ohio 43211-1030
614/ 297-2470 Fax: 614/ 297-2496

Visit us at www.ohiohistory.org/resource/histpres/



**OHIO
HISTORICAL
SOCIETY**
SINCE 1885

FEB 18 10 07 AM '99

MIAMISBURG
LOG 000925

February 12, 1999

Sue Smiley
Department of Energy, Mound Plant
P.O. Box 3020
Miamisburg, OH 45343-3020

Re: Environmental Assessment, Disposition of South Property
Mound Plant, Miamisburg, Montgomery County, Ohio

Dear Ms. Smiley,

This is in response to correspondence from your office dated January 11, 1999 (received January 12, 1999) regarding the above referenced project. The comments of the Ohio Historic Preservation Office (OHPO) are submitted in accordance with provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 [36 CFR 800]).

We have reviewed the environmental assessment and find that it is complete. We concur with your finding that no additional archaeological work is warranted for the South Property given the results of the 1987 survey. We are concerned that new construction be restricted in size and scale so that it won't diminish the presence or the viewshed from the Miamisburg Mound. Also, this office is currently working with the Department of Energy on a Memorandum of Agreement concerning the effects from the disposition on the complex of buildings within the northern part of the property. It is our expectation that the development of this agreement will proceed in a timely manner. It is important to consider the effects of this undertaking given the proximity of the Miamisburg Mound State Memorial and the presence of important buildings within the northern part of the Mound Plant property. Based on the proposed use of the South Property to include moderate sized industrial facilities, it is our opinion that the proposed disposition of the South Property will have no effect on any property eligible for inclusion or included in the National Register of Historic Places.

Any questions concerning this matter should be addressed to David Snyder or Sandra Davies at (614) 297-2470, between the hours of 8 am. to 5 pm. Thank you for your cooperation.

Sincerely,

Mark J. Epstein, Department Head
Resource Protection and Review

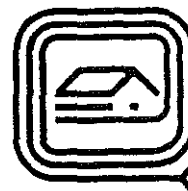
MJE:DMS/ds

xc: Martha Otto, Ohio Historical Society
Bill Schultz, Ohio Historical Society



Ohio Historic Preservation Office

Ohio Historical Center
1982 Velma Avenue
Columbus, Ohio.43211-2497
(614) 297-2470



OHIO
HISTORICAL
SOCIETY
SINCE 1885

March 15, 1991

Mark D. Gilliat
EG&G Mound Applied Technologies
P.O. Box 3000
Miamisburg, Ohio 45343-0987

Dear Mr. Gilliat:

Re: Mound Facility, Miamisburg, Ohio

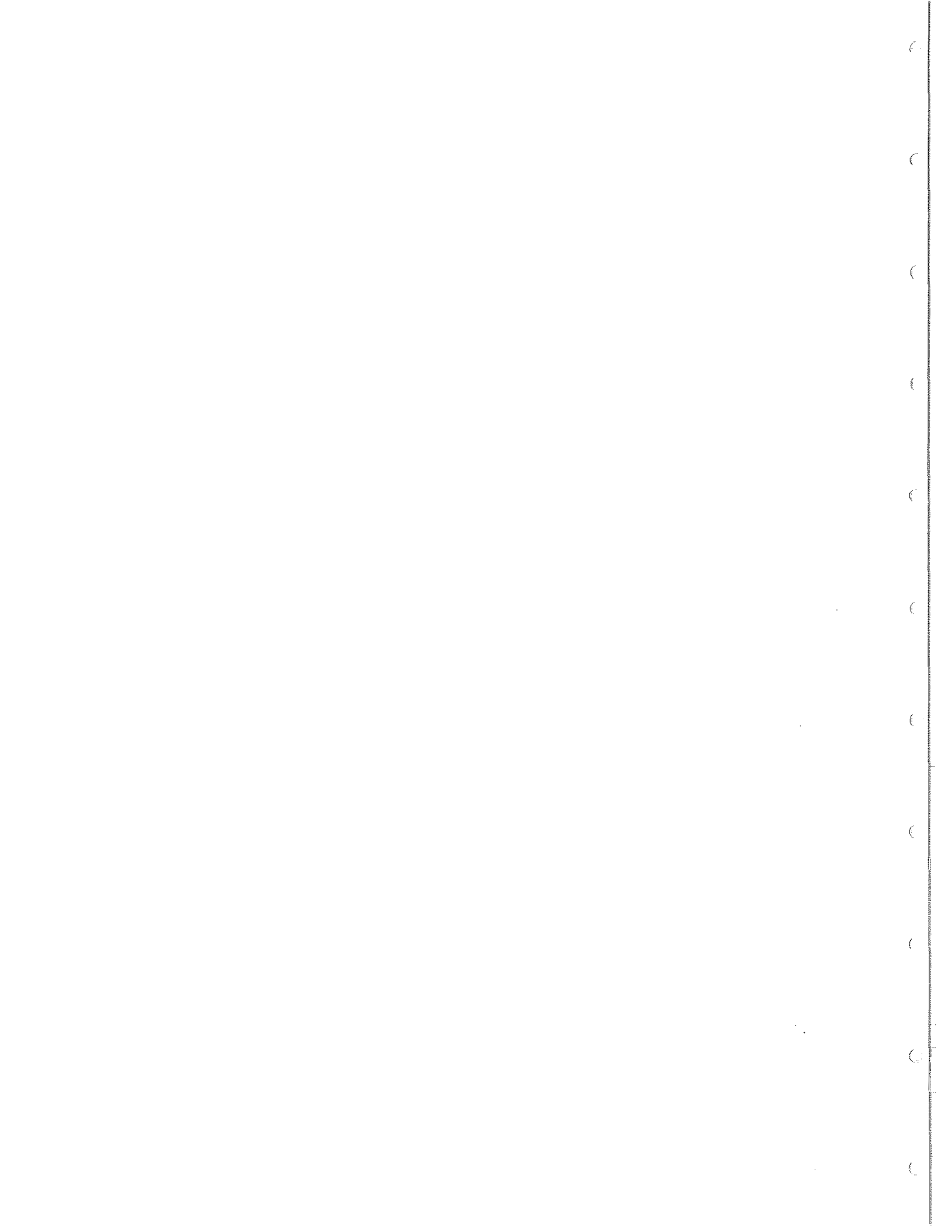
This is in response to your letter dated February 21, 1991 concerning the Miamisburg facility. Based on the field survey and examination of the Mound Facility undertaken by Dr. Robert Riordan, Wright State University, in 1987 it appears that there are no significant archaeological remains on the Mound Facility due to previous disturbance. No archaeological sites eligible for the National Register will be affected. Please note that the buildings comprising the facility have not been evaluated in regard to National Register criteria. In order to do this we must have photographs of the buildings, their ages, and a brief history of the facility.

Any questions concerning this matter should be addressed to Julie Quinlan at (614) 297-2470. Her hours are from 5-11 a.m. Thank you for your cooperation.

Sincerely,

Judith Kitchen, Department Head
Technical and Review Services

JLK/JAQ:jq



Ohio Historic Preservation Office

1982

1885 Velma Avenue
Columbus, Ohio 43211
614/297-2470



OHIO
HISTORICAL
SOCIETY
SINCE 1885

January 25, 1988

Dennis Lammlein
Monsanto Research Corporation
Mound Facility
Miamisburg, Ohio 45342

Dear Mr. Lammlein:

Re: Newly acquired land, Mound Facility, Miamisburg, Ohio

This is in response to a letter from Robert V. Riordan, Wright State University, dated December 16, 1987 concerning the project noted above. My staff has reviewed the report "An Archaeological Survey of Portions of the Mound Facility, Montgomery County, Ohio". Based on their recommendation it is my opinion that the proposed project will have no effect on any properties listed or eligible for listing on the National Register of Historic Places. Therefore, no further coordination is necessary unless the scope of the project changes.

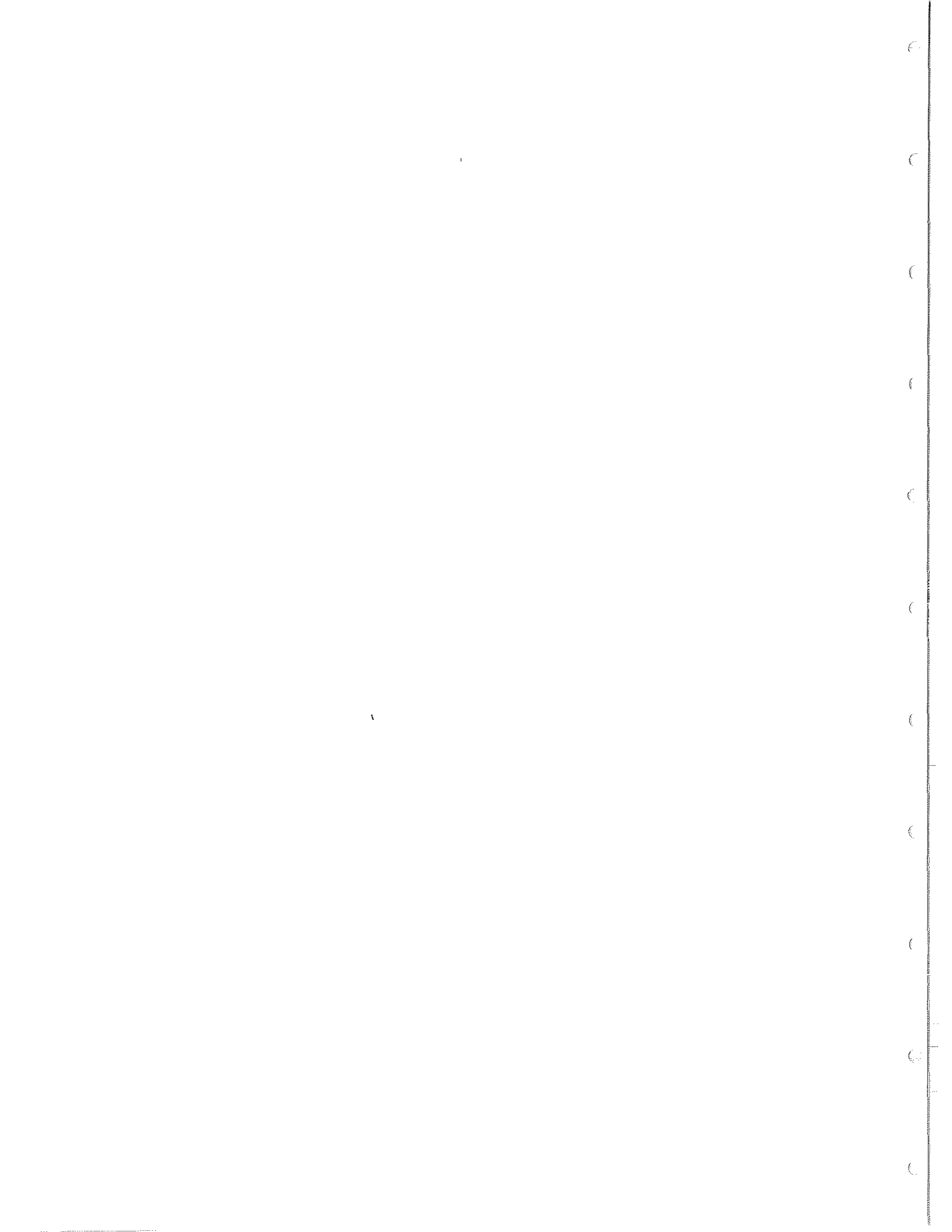
If you have any questions about this matter, please contact Julie Kime or Catherine Stroup at (614) 297-2470. Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink that reads "W. Ray Luce". The signature is written in a cursive style with a large, prominent "W" and "L".

W. Ray Luce
State Historic Preservation Officer

WRL/JAK:jk





Meeting Minutes

Date of Meeting: June 3, 1999
10 AM

Re: Wetlands Delineation, South Property

Location: Mound Facility,
Miamisburg, OH

Issue Date: June 7, 1999

Submitted By: Rob Hook

In Attendance: Gerry Newell, ACOE
Mark Agricola, ACOE
Sue Smiley, DOE
Ron Paulick, B&W

ITEMS DISCUSSED

The meeting was called to perform a field review of the wetlands and other waters of the US delineated during the previous week by Woolpert, and to determine their regulatory status.

Primarily, a small wetland swale in the northwestern quadrant of the property was delineated by Woolpert. The designation of the area as wetland and the flagged boundary were confirmed by the Corps of Engineers personnel.

There was discussion regarding the status of intermittent streams on the south property. Primarily this discussion centered on the fact that only portions of the streams shown on the base map were considered waters of the US because they do not have ordinary high water marks. Each of the mapped streams/drainages on the current GIS map was inspected by Woolpert in the field. Those waters with ordinary high water marks, and therefore considered regulated, were identified on a hard copy of the map. These waters will be identified in the final wetland report. The streams were not individually visited by the Corps personnel, but this rationale was supported.





Federal Emergency Management Agency

Washington, D.C. 20472

MAY 17 1993

Mr. Michael A. Reker
Department of Energy
Field Office Albuquerque
Dayton Area Office
P.O. Box 66
Miamisburg, Ohio 45343-0066

IN REPLY REFER TO:
Case No.: 93-05-024A
Community: City of Miamisburg
Montgomery County, Ohio
Community No.: 390413
Map Panel Nos.: 0005 C
T-218-70-R

Dear Mr. Reker:

This is in response to your letter dated April 7, 1993, requesting that the Federal Emergency Management Agency (FEMA) determine whether the following property is located in a Special Flood Hazard Area (SFHA), an area that would be inundated by the 100-year (one-percent annual chance) flood.

Property Description: A tract of land situated in Sections 30, 35, and 36, Town 2, Range 5, Miami Rivers survey, and being all of lots numbered 2259, 2290, 4777, 4778, and 4779, and part of Out Lot 6, lying within the corporate limits of the City of Miamisburg, and also a 35.5-acre parcel and a 24.2-acre parcel lying outside and adjacent to said corporate limits. This tract of land is also known as the Department of Energy Mound Plant, as recorded in Deed Book 1214, Pages 10-18 and 248-249; Deed Book 1215, Pages 247 and 248; Deed Book 694, Pages 239 and 240; Deed Book 1246, Pages 45-50; Deed Book 1256, Pages 179-182; Deed Book 1258, Pages 56 and 57, Warranty Deed Nos. 10954, 19517, and 12662, all filed at the Montgomery County Recorder's Office.

Street Address: 1 Mound Road
Community: City of Miamisburg
State: Ohio

On April 13, 1993, we received all information necessary to process your request. After comparing this information with the National Flood Insurance Program (NFIP) map for the community referenced above, we determined that the property except for the portions described below as Tract No. 1 and Tract No. 2 would not be inundated by the 100-year flood. Therefore, this letter amends the maps for the City of Miamisburg, Ohio (NFIP Map Numbers 390413, Panels 0005 C, dated January 14, 1983) to remove a portion of this property from the SFHA.

Technical Compliance
Library Copy

TRACT NO. 1

Starting at a railroad spike found on the centerline of Berner Road (40 feet right-of-way) at the southeast corner of said Fractional Section 36; thence with the centerline of Berner Road and the south line of said 42.56-acre tract, the following two courses:

N 89° 03' 23" W a distance of 958.79 feet to a point; thence N 82° 17' 38" W a distance of 31.01 feet to a point on the west property line of said 42.56-acre tract; thence with said west property line the following two courses:

N 10° 18' 27" E a distance of 62.14 feet to an iron pin found at Point "A"; thence N 10° 12' 12" E a distance of 404.00 feet to the true place of beginning of the herein described tract of land;

thence from said true place of beginning with the west property line the following three courses:

N 10° 12' 12" E, a distance of 36.79 feet to an iron pin found; thence N 9° 31' 45" E a distance of 259.93 feet to an iron pin found; thence N 10° 16' 25" E a distance of 355.50 feet to a point at the intersection of said west property line and the aforementioned 699.50 feet contour line; thence with said 699.50 feet contour line, the following twenty-three courses:

S 8° 45' 39" E a distance of 41.46 feet to a point; thence S 2° 35' 17" W a distance of 128.33 feet to a point; thence N 13° 12' 44" E a distance of 57.25 feet to a point; thence N 10° 25' 33" E a distance of 70.06 feet to a point; thence S 30° 36' 18" E a distance of 46.31 feet to a point; thence S 15° 17' 50" E a distance of 39.87 feet to a point; thence S 27° 50' 02" E a distance of 57.41 feet to a point; thence S 12° 59' 46" W a distance of 86.83 feet to a point; thence S 7° 47' 13" W a distance of 79.62 feet to a point; thence S 15° 58' 03" W a distance of 108.57 feet to a point; thence S 12° 23' 53" W a distance of 72.27 feet to a point; thence S 15° 45' 03" W a distance of 201.73 feet to a point; thence S 25° 52' 59" W a distance of 31.17 feet to a point; thence S 5° 07' 46" W a distance of 40.89 feet to a point; thence S 16° 24' 48" W a distance of 112.26 feet to a point; thence S 31° 18' 32" W a distance of 32.82 feet to a point; thence N 9° 52' 11" E a distance of 32.74 feet to a point; thence N 4° 02' 03" W a distance of 55.86 feet to a point; thence N 7° 22' 34" E a distance of 47.96 feet to a point; thence N 16° 00' 20" E a distance of 60.29 feet to a point; thence N 21° 18' 27" W a distance of 43.33 feet to a point; thence N 1° 45' 57" E a distance of 71.42 feet to a point; thence S 21° 33' 08" W a distance of 39.64 feet to the place of beginning, containing 1.582 acres more or less.

TRACT NO. 2

Starting at the aforementioned point "A," thence with the west property line of said 42.56-acre tract the following three courses:

N 14° 11' 50" W a distance of 440.75 feet to an iron pin found; thence N 14° 47' 30" W a distance of 259.93 feet to an iron pin found; thence N 14° 45' 50" W a distance of 546.20 feet to an iron pin found; thence S 79° 56' 50" E a distance of 4.15 feet to the true place of beginning of the herein described tract of land;

thence from said true place of beginning, S 79° 56' 50" E a distance of 48.49 feet to a point; thence with the aforementioned 699.50 feet contour line the following eleven courses:

S 52° 07' 14" E a distance of 16.53 feet to a point; thence S 74° 53' 40" E a distance of 26.35 feet to a point; thence S 53° 53' 05" E a distance of 30.95 feet to a point; thence S 42° 56' 47" E a distance of 21.19 feet to a point; thence S 52° 56' 40" E a distance of 20.67 feet to a point; thence S 10° 05' 15" W a distance of 8.12 feet to a point; thence N 80° 10' 40" W a distance of 20.64 feet to a point; thence N 35° 34' 07" W a distance of 27.20 feet to a point; thence N 59° 15' 04" W a distance of 28.97 feet to a point; thence N 86° 59' 59" W a distance of 28.68 feet to a point; thence N 53° 32' 08" W a distance of 63.48 feet to the place of beginning, containing 0.053 acre more or less.

Please note that this property could be inundated by a flood greater than a 100-year flood or by local flooding conditions not shown on the NFIP map. Flood insurance is obtainable, at reduced costs, for properties located outside the SFHA. Also, although we have based our determination on the flood information presently available, flood conditions may change or new information may be generated which would supersede this determination.

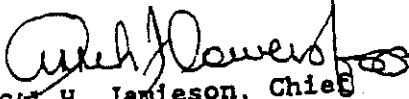
A copy of this Letter of Map Amendment (LOMA) is being sent to your community's official NFIP map repository where, in accordance with regulations adopted by the community when it made application to join the NFIP, it will be attached to the community's official record copy of the NFIP map which is available for public inspection.

If any structure on this property is covered by a flood insurance policy, and if the mortgage company or lending institution agrees to waive the flood insurance requirement, then the NFIP will refund the premium paid for the current policy year, providing that no claim is pending or has been paid on the policy during the current policy year. To receive the refund, a written waiver or certificate must be obtained from the lending institution and presented to your insurance agent, who will process the premium refund.

This response to your request is based on minimum criteria established by the NFIP. State and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the floodplain. If the State of Ohio or the City of Miamisburg or Montgomery County has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

If you have any questions or if we can be of further assistance, please contact Helen Cohn at (202) 646-3457, or by facsimile at (202) 646-3445.

Sincerely,


G.H. Jamieson, Chief
Technical Operations Division
Federal Insurance Administration

cc: State Coordinator
Community Map Repository



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059

Technical Compliance
Library Copy

June 21, 1994

Operations and Readiness Division
Regulatory Branch (North)
ID No. 199400664-gdn

EG&G MOUND-29-01 -10 -09 -03 -9504270030

Mr. Art Kleinrath
U.S. Department of Energy
P.O. Box 66
Miamisburg, Ohio 45343-0066

Dear Mr. Kleinrath:

This is in regard to the wetland delineation prepared for the U.S. Department of Energy, Mounds Plant site, in Miamisburg, Montgomery County, Ohio. Weston Incorporated, performed the wetland delineation and has requested the Corps confirm the delineation report.

The wetland delineation report has been reviewed in accordance with Section 404 of the Clean Water Act (CWA), under which the Corps of Engineers regulates the excavation and discharge of dredged and/or fill material in "waters of the United States," including wetlands. Please note that wetland determinations must be performed in accordance with the 1987 Corps Wetland Delineation Manual (Technical Report Y-87-1).

We have completed our review of the wetland delineation report, which included an on-site inspection conducted on April 6, 1994, by our field biologist Mr. Mark Agricola. Based on Mr. Agricola's report, we have determined that the work was performed in accordance with the manual and that the wetland boundaries have been accurately defined.

If you have any questions concerning this matter, please contact this office at the above address, ATTN: CEORL-OR-FN or call me at (502) 582-5607. Copies of this letter have been forwarded to Mr. Monte Williams, EG&G Mound Applied Technologies, P.O. Box 3000, Mailstop OSE-2, Miamisburg Ohio 45343-3000; and Mr. Gerry Dinkins, Weston Consultants, Suite C-102, 704 South Illinois, Oak Ridge, Tennessee 37830-7756.

Sincerely,

Gerry Newell

Gerry Newell
Project Manager
Regulatory Branch

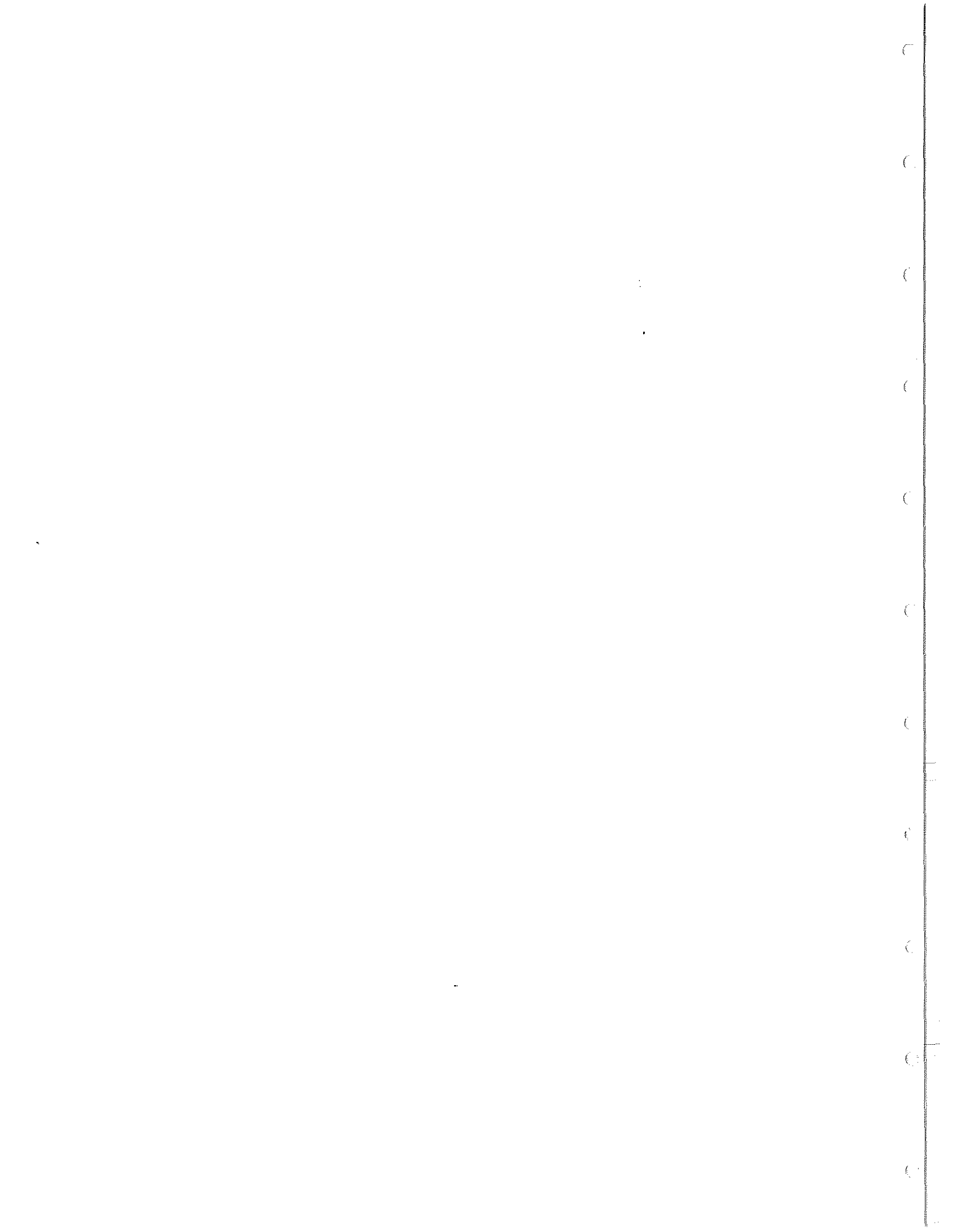


From: Mark Gilliat
To: MACKSA
Date: 3/31/98 3:08pm
Subject: Federal Listed Threatened and Endangered Species in Montgomery and Warren Counties

The following memo serves as documentation concerning federal listed threatened and endangered species at the Mound Facility. Per a 3/31/98 telephone conversation with Mr. Ken Multerer of the U.S. Department of Interior Fish and Wildlife Service (Reynoldsburg, Ohio Field Office), the only species of potential concern at the Mound facility is the Indiana Bat. Precautions to be taken are restricted tree cutting (only trees with exfoliating bark such as the shagbark hickory) during the time period May 15 through Sept. 15. A previous site inspection with Mr. Thomas Hissong (former curator of Education at the Dayton Museum of Natural History) currently with the Montgomery County Park District, indicated that the Mound Facility did not provide the proper mix of habitat suitable for the Indiana bat to roost. As a result no special requirements exist at the Mound Facility regarding protection of either federally listed threatened or endangered species.

If you have any questions please call me at extension 4407.

Mark Gilliat





George V. Voinovich • Governor
Frances S. Buchholzer • Director

August 4, 1992

Mark Gilliat, Engineer
EG&G Mound Applied Technologies
P.O. Box 3000
Miamisburg, OH 45343-3000

Dear Mr. Gilliat:

After reviewing our maps and files, I find the Division of Natural Areas and Preserves has no records of rare and endangered species in the Department of Energy Mound Facilities project area.

There are no existing or proposed nature preserves or scenic rivers in the project area, and we are unaware of any other unique ecological sites in the vicinity of the Miamisburg, Montgomery County site.

Because our inventory program relies on information supplied by a number of individuals and organizations, a lack of records for any particular area is not a statement that special plant or animal species are absent from a site. Please note that we inventory only high-quality plant communities and do not maintain an inventory of all Ohio wetlands.

I have included a copy of our plant and animal lists for your information. The invoice for this search has been sent separately to Beverly Peters in the EG&G Mound Applied Technologies Library. Please contact me if I can be of further assistance.

Sincerely,

Jennifer Hillmer, Ecological Analyst
Division of Natural Areas & Preserves

JH/slc





Dayton Museum of Natural History
2629 Ridge Avenue
Dayton, Ohio 45414
Phone (513) 275-7431

April 25, 1991

Mr. Mark Gilliat
EG&G Mound Applied Technologies
P.O. Box 3000 - Mound Road Bldg. 69
Miamisburg, Ohio 45343 - 3000

Mr. Mark Gilliat:

I hope that my visit to the EG&G Mound Applied Technologies facility on Friday - April 12, 1991 was beneficial to your efforts in identifying and protecting any Shagbark Hickory (*Carya ovata*) trees on your site that might provide protective cover for the endangered Indiana Myotis (*Myotis sodalis*) bat. I commend your company for their concerns in the protection of our endangered wildlife.

After walking the EG&G Mound site to examine several woodlots, we found that the vast majority of trees on location are second growth hardwoods including: Eastern Cottonwood - Populus deltoides, Box Elder - Acer negundo, Wild Black Cherry - Prunus serotina, Ash sps., Elm sps. and others. Also various honeysuckle species were found throughout the understory. Shagbark Hickory (*Carya ovata*) was not found to be present in any of the wooded areas examined on the EG&G Mound site.

I found the morning to be very productive in providing you with an opportunity to better understand the vegetational cover at the EG&G Mound site. It was my pleasure to show you a Shagbark Hickory (*Carya ovata*) tree growing in a local park so that you could become familiar with the identification of this species. I am sure that you will now be able to identify any Shagbark Hickory (*Carya ovata*) that you might encounter in the future at the EG&G Mound site.

If I can ever be of further help to you please contact me any time.

Sincerely yours,

Thomas R. Hissong
Thomas R. Hissong
Curator of Education

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United States Department of the Interior



FISH AND WILDLIFE SERVICE

Reynoldsburg Field Office
6950-R Americana Parkway
Reynoldsburg, Ohio 43068-4115
(614) 469-6923

IN REPLY REFER TO:

April 3, 1991

Mr. Mark D. Gilliat
EG&G Mound Applied Technologies
P. O. Box 3000
Miamisburg, OH 45343-0987

Dear Mr. Gilliat:

This responds to your March 25, 1991 letter requesting our comments on your facilities' activities and possible impacts on endangered species. The facility is located in Miamisburg, Montgomery County, Ohio.

These comments are provided under the authority of the Endangered Species Act of 1973, as amended.

The activities at the facility consist of the manufacturing of non-nuclear explosive components for nuclear weapons.

ENDANGERED SPECIES COMMENTS: The proposed project lies within the range of the Indiana bat, a Federally listed endangered species. Since no new construction is proposed, any existing habitat for this species at this site would not be impacted. Thus, we conclude that the ongoing activities at this site will not have an adverse impact on this species. This precludes the need for further action on this project as required by the 1973 Endangered Species Act, as amended. Should the project be modified or new information become available that indicates listed or proposed species may be affected, consultation should be initiated.

Sincerely,


Kent E. Kroonemeyer
Supervisor

cc: Chief, Ohio Division of Wildlife, Columbus, OH
ODNR, Outdoor Recreation Service, Attn: M. Colvin, Columbus, OH
Ohio EPA, Water Quality Monitoring, (L. Merchant), Columbus, OH
U.S.EPA, Office of Environmental Review, Chicago, IL





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Reynoldsburg Field Office
6950-H Americana Parkway
Reynoldsburg, Ohio 43068-4115
(614) 469-6923

IN REPLY REFER TO:

April 4, 1991

Mr. Mark D. Gilliat
EG&G Mound Applied Technologies
P. O. Box 3000
Miamisburg, OH 45343-0987

Dear Mr. Gilliat:

This responds to your April 4, 1991 telephone conversation with Ken Multerer of my staff regarding the construction of roadways at your facility. As you stated, roadways are being constructed in some new growth wooded areas on your property. This wooded area may contain some trees which may provide potential habitat for the Indiana bat.

These comments are provided under the authority of the Endangered Species Act of 1973, as amended.

ENDANGERED SPECIES COMMENTS: The proposed project lies within the range of the Indiana bat, a Federally listed endangered species. Summer habitat requirements for the species are not well defined but the following are thought to be of importance:

1. Dead trees and snags along riparian corridors especially those with exfoliating bark which may be used as maternity roost areas.
2. Live trees (such as shagbark hickory) which have exfoliating bark.
3. Stream corridors, riparian areas, and nearby woodlots which provide forage sites.

Considering the above items, we recommend that if trees with exfoliating bark (which could be potential roost trees) are encountered along the proposed right-of-way, they not be cut between May 1 and August 31.

If the above recommendations are incorporated into the project, this precludes the need for further action on this project as required by the 1973 Endangered Species Act, as amended. Should the project be modified or new information become available that indicates listed or proposed species may be affected, consultation/conferring, as appropriate, should be initiated.

If the above described time restriction is unacceptable, mist netting will need to be done to determine whether Indiana bats are actually present. If they are found to be present, specific recommendations will need to be made at that time.

Sincerely,

Kent E. Kroonemeyer
for Kent E. Kroonemeyer
Supervisor

cc: Chief, Ohio Division of Wildlife, Columbus, OH
ODNR, Outdoor Recreation Service, Attn: M. Colvin, Columbus, OH
Ohio EPA, Water Quality Monitoring, (L. Merchant), Columbus, OH
U.S.EPA, Office of Environmental Review, Chicago, IL



11840-D KEMPERSPRINGS DRIVE
CINCINNATI, OH 45240-1840
513-825-3440 • FAX: 513-825-3336

11 January 1993

EG&G Mound
Attention: Ms. Kathy Koehler
P.O. Box 3000
Miamisburg, Ohio 45343

Re: Ohio Endangered Species

WO# 5376-39-003

Dear Ms. Koehler:

During the course of summer vegetation sampling activities at the Mound Site, a field botanist from Roy F. Weston, Inc. discovered the presence of Inland Rush (Juncus interior Weig.). Inland Rush has been designated a state "endangered species" by the Ohio Division of Natural Areas and Preserves (ODNAP, "Rare Native Ohio plants", 1992.). The single individual was found growing adjacent to a limestone seepage area in an open grassland on the south property (see attached map). The identity of the voucher specimen has been independently confirmed by Dr. Vernon McNeilus of the University of Tennessee Botany Department.

The criteria used to declare a species "endangered" typically relates to either its global or national rarity, or because of an element's limited occurrence in terms of numbers or geographic distribution within a state. The precise reason that the Inland Rush has been listed remains to be determined, but likely relates to the fact that it is a prairie species at the extreme eastern edge of its natural range in Ohio. This can be verified by contacting ODNAP personnel. Having obtained permission today from Chuck Friedman (EG&G) and Art Kleinrath (DAO), WESTON will make this contact.

Because only a single individual was located (despite intensive efforts to discover others), Inland Rush at Mound cannot be considered a viable breeding population. The solitary occurrence should in no way interfere with ongoing or future activities at the site. Although not necessarily significant, WESTON recommends that the DOE DAO notify the CERCLA Natural Resources Trustee of this occurrence and also notify the ODNAP.

WESTON

Ms. Koehler
EG&G Mound

2

11 January 1993

If you have any questions, please contact Bill Criswell at (505) 884-5050, or Gerry Dinkins at (615) 483-7756.

Sincerely,

ROY F. WESTON, INC.

John B. Torsen / for

John W. Torsen, P.E.
Project Manager

m:\mound\species.ltr

JWT/acg

pc: Charles Friedman (EG&G)
Monte Williams (EG&G)
Mark Gilliat (EG&G)
Art Kleinrath (DAO)
Steve Coyle (SAIC)
Dawn Palmieri (SAIC)
Jan Wood (IT)



BWX Technologies, Inc.

Babcock & Wilcox, a McCermott company

Babcock & Wilcox of Ohio, Inc.

1 Mound Road
Miamisburg, Ohio 45343-3030

P.O. Box 3030
Miamisburg, Ohio 45343-3030
(937) 865-4020
Fax: (937) 865-5445

March 4, 1998

Ms. Michele Willis, P.E.
Chief, Division of Water
Water Resources Section
1939 Fountain Square Court
Columbus, OH 43224-9971

Dear Ms. Willis:

Please find attached the Water Withdrawal Facility Registration Annual Report Form. There are a few changes from last year.

First, Babcock & Wilcox of Ohio has replaced EG&G Mound Applied Technologies as the Operator of the Department of Energy Mound Site. Please note the minor address changes. Secondly, I have completed the "Return Flow" section of the form, previously left blank. This information is based on both metered flow and a calculated "guess" based on process knowledge. The Waste Water Treatment Plant is strictly a metered daily average multiplied by the days in the month. This assumes no infiltration. The second flow is metered, but contains storm and ground seepage in addition to process cooling water. The portion of this flow originating from the well source has been estimated based on process knowledge as .1 mgd.

Hopefully, this information is helpful. I apologize for the delinquency of the report. If you have any questions, please contact me at (937) 865-4894.

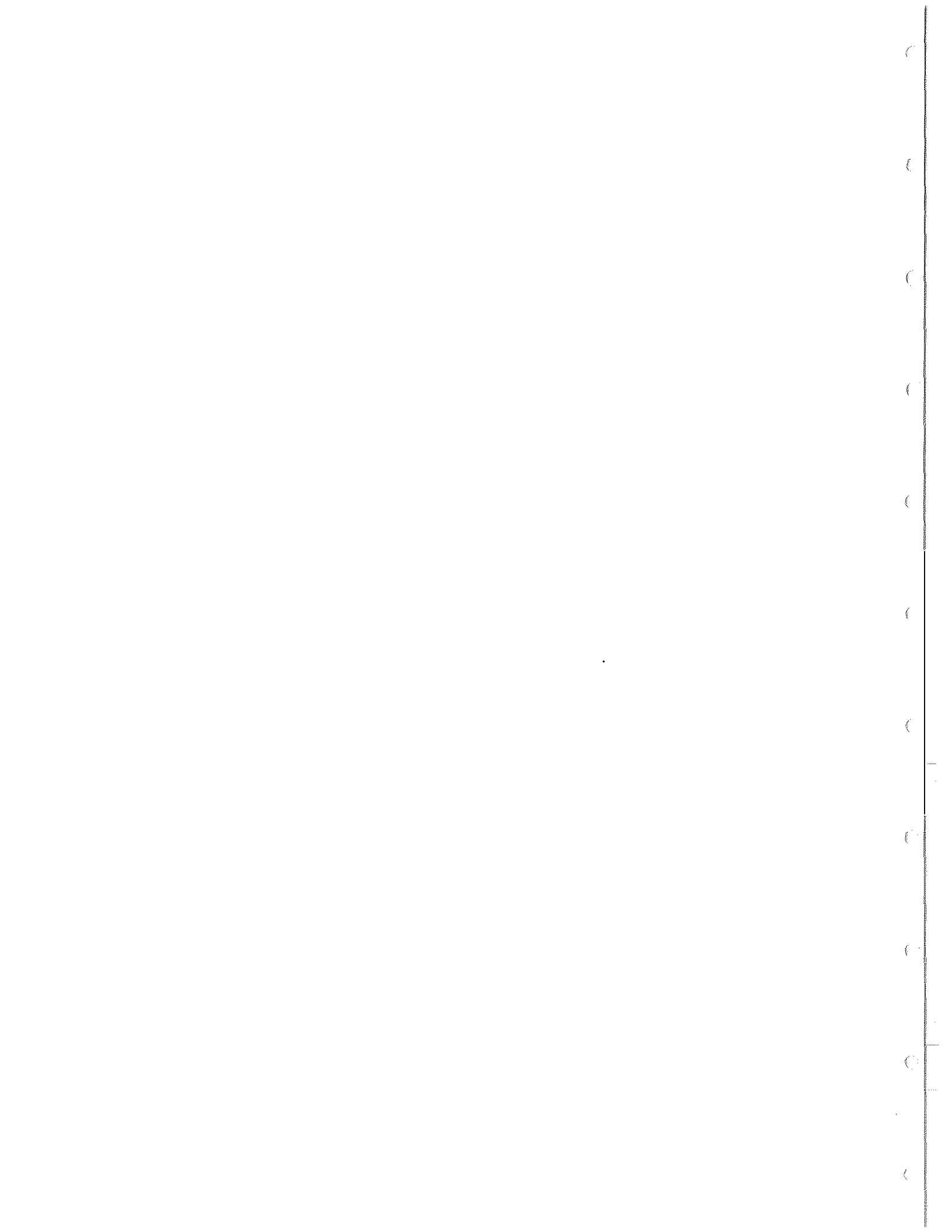
Sincerely,

A handwritten signature in cursive script that reads "Allen Upshaw".

Allen Upshaw
Utilities & Energy Management

AU:ww
Attachment

cc: F. Raker
V. Catania
S. Mackey



NOTE: This page may be photocopied if additional space is required. Please be sure to sign and date each copy.

WITHDRAWALS

Registration Number 01572

GROUND WATER (in Units of Millions of Gallons)

SOURCE	JAN.	FEB.	MARCH	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL PER YEAR
WELL NO. 1													
WELL NO. 2		6.57	6.48	2.41								2.89	18.35
WELL NO. 3	7.66			3.39	6.64	7.76	8.53	7.03	7.07	6.90	6.19	3.88	65.05
WELL NO.													
WELL NO.													
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WELL NO.													
TOTAL	7.66	6.57	6.48	5.80	6.64	7.76	8.53	7.03	7.07	6.90	6.19	6.77	GRAND TOTAL 81.0
MAXIMUM													
MINIMUM													
DAYS IN OPERATION	31	28	31	30	31	30	31	31	30	31	30	31	TOTAL OPERATION DAYS 365

SURFACE WATER (in Units of Millions of Gallons)

SOURCE	JAN.	FEB.	MARCH	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL PER YEAR
INTAKE													
INTAKE													
INTAKE						N/A							
INTAKE													
INTAKE													
TOTAL													GRAND TOTAL
MAXIMUM													
MINIMUM													
DAYS IN OPERATION													TOTAL OPERATION DAYS

Are surface water and ground water withdrawal amounts based on metered readings? yes no (circle one) If "no," how were the reported withdrawal amounts determined? (Attach separate sheet, if necessary)

RETURN FLOW (in Units of Millions of Gallons)

SOURCE	JAN.	FEB.	MARCH	APRIL	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL PER YEAR
FLOW	1.24	1.12	1.55	1.50	1.83	1.50	1.55	1.49	1.35	1.30	1.29	1.40	17.12
FLOW	3.10	2.80	3.10	3.00	3.10	3.00	3.10	3.10	3.00	3.10	3.00	3.10	36.50
TOTAL	4.34	3.92	4.65	4.50	4.93	4.50	4.65	4.59	4.35	4.40	4.29	4.50	GRAND TOTAL 53.62

Are return flow amounts based on metered readings? yes no (circle one) If "no," how were the reported return flow amounts determined? (Attach separate sheet, if necessary) (1) Waste water plant metered effluent (2) Second outfall is metered but

collects storm runoff. This is only an estimate. NOTE: Is the information originally supplied on your registration form still correct? yes no (circle one)

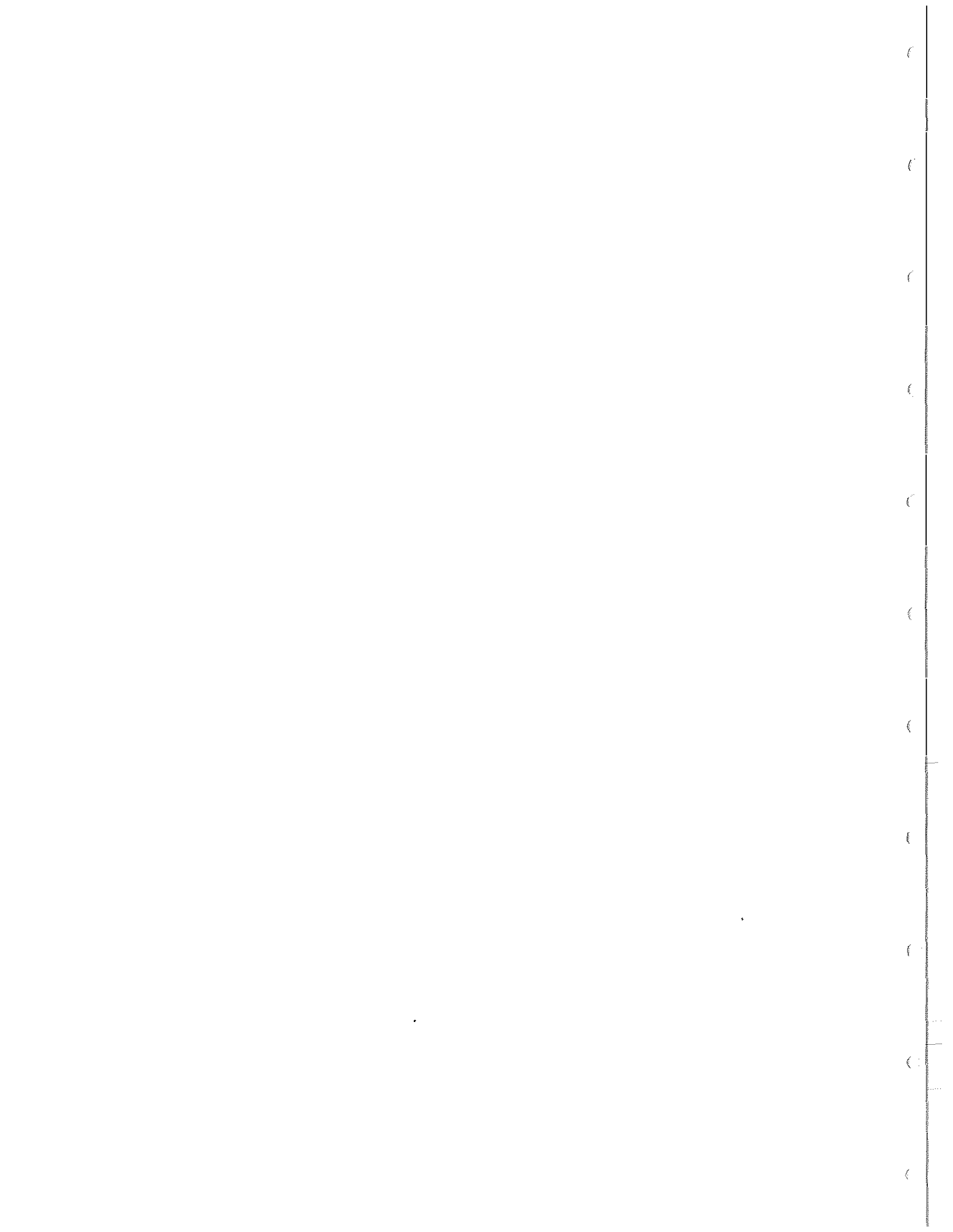
If "no," please attach a separate sheet indicating the nature of the change. If needed, a new registration form will be forwarded to you so that you may file this office with the necessary revisions.

Owner or authorized representative's signature

Date

Allen P. Shaw

3/2/98





George V. Voinovich • Governor
Frances S. Buchholzer • Director

July 14, 1992

Mr. Mark Gilliat
EG&G M.A.T.
P.O. Box 3000
Miamisburg, OH 45343-3000

Dear Mr. Gilliat:

In response to our recent phone conversation and your follow up letter requesting a statement that the Mound Facility has no impact on a State or National Wild and Scenic River, I can verify that the Great Miami River is not a component of the State or National Wild and Scenic Rivers System.

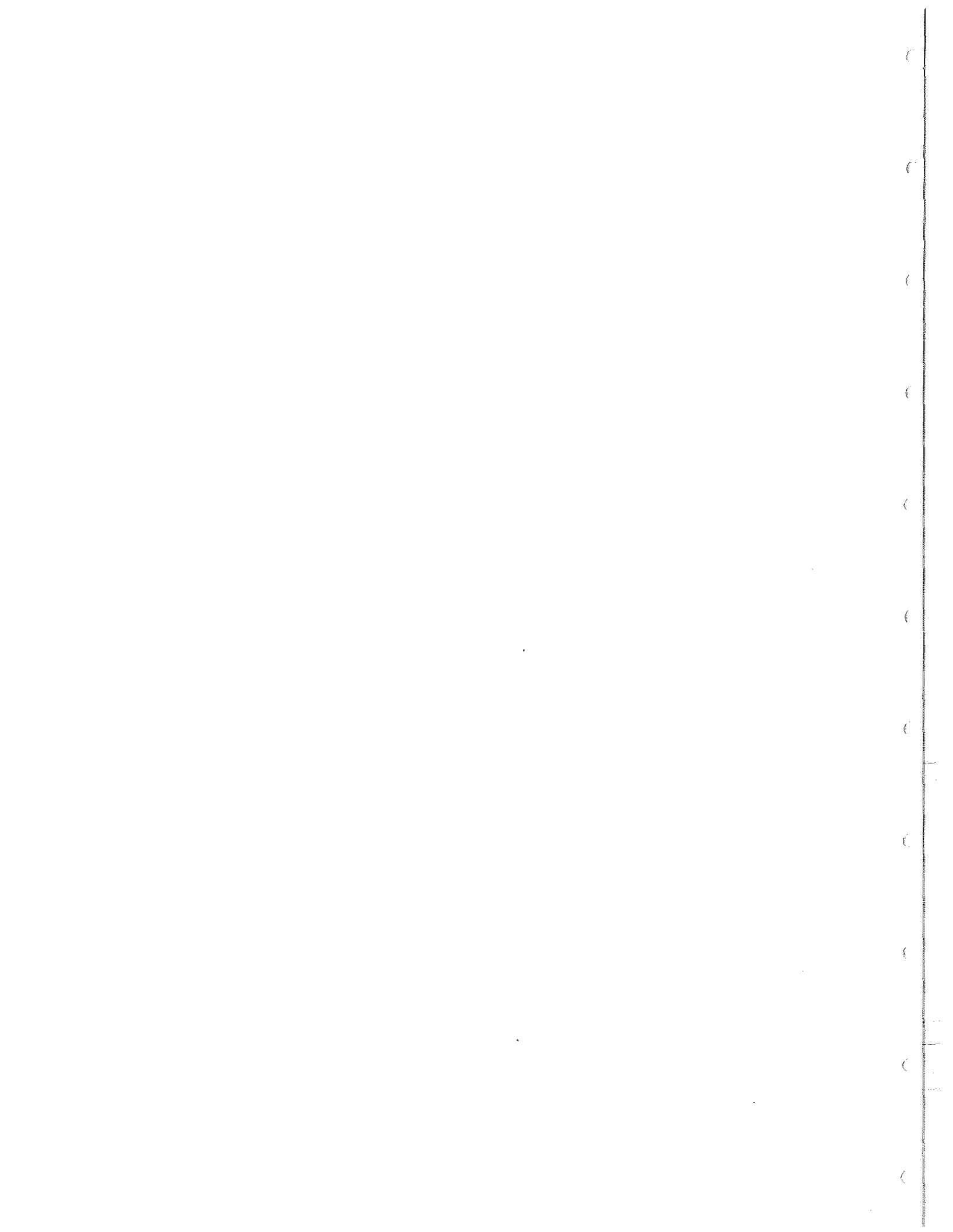
The Mound Facility is not located near a designated State or National Scenic River. The Stillwater State Scenic River is a tributary to the Great Miami and enters the river at Dayton. Since the Stillwater is upstream of the Mound Facility, no impact would be anticipated.

Thank you for providing me the opportunity to comment.

Sincerely,

Stuart Lewis, Administrator
Ohio Scenic Rivers Program
Division of Natural Areas & Preserves

SL/slc



APPENDIX B
SOUTH PROPERTY FLOODPLAIN
ENVIRONMENTAL REVIEW DOCUMENTS

- **Notice of Floodplain Involvement** (published in the Federal Register on January 12, 1999)
- **Floodplain Assessment**



Billing Code 6450-01-P

**DEPARTMENT OF ENERGY
Notice of Floodplain Involvement
for the Transfer of the South Property
at the Miamisburg Environmental Management Project**

AGENCY: Department of Energy (DOE), Ohio Field Office, Miamisburg Environmental Management Project (MEMP)

ACTION: Notice of Floodplain Involvement

SUMMARY: This is to give notice of DOE's proposal to transfer ownership of approximately 123 acres of undeveloped property in the southern portion of the MEMP site, located approximately 10 (ten) miles southwest of Dayton, Ohio. The property, designated the South Property, has been determined to be excess to DOE's long-term needs. As a result, ownership of this property will be transferred to a non-Federal entity. A small portion of the South Property lies within the 100-year floodplain, i.e., the area is subject to a 1% chance per year of inundation from the Great Miami River. In accordance with 10 CFR 1022 .5(d), DOE will identify those uses that are restricted under Federal, state, and local floodplain regulations. The future owner of the South Property will be made aware of the applicable governing regulations on or adjacent to the 100-year floodplain.

DATES: Written comments must be received by the DOE at the following address on or before [insert date that is 15 days from the date of publication in the *Federal Register*].

ADDRESS: For further information on this proposed action, including a site map and/or copy of the Floodplain Assessment, contact:

Ms. Sue Smiley
NEPA Compliance Officer
U. S. Department of Energy
Ohio Field Office
P. O. Box 66
Miamisburg, OH 45343-0066

Phone: 937-865-3984

Facsimile: 937-865-4489

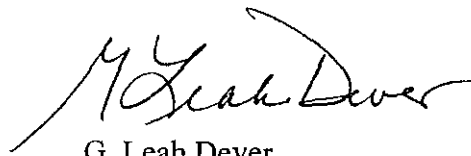
FURTHER INFORMATION: For further information on general DOE floodplain and wetland environmental review requirements, contact:

Ms. Carol Borgstrom, Director
Office of NEPA Policy and Assistance, EH-42
U. S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Phone: 202-586-4600 or 1-800-472-2756

SUPPLEMENTARY INFORMATION: The proposed activity would support ultimate disposition of the MEMP site. The MEMP site has been determined to be excess to DOE's long-term needs. This decision is supported by the *Nonnuclear Consolidation Environmental Assessment* (DOE/EA-0792) and associated Finding of No Significant Impact (FONSI) dated September 14, 1993, and the Memorandum of Understanding (MOU) between the DOE Defense Programs, Environmental Management and Nuclear Energy Programs, dated August 1, 1995. In order to meet the programmatic need to disposition land determined to be excess to DOE's needs, ownership of the site will be transferred to a non-Federal entity. The property will be released in phases, as certain parcels of land are still in use or are not yet suitable for transfer. This notice addresses that portion of the South Property which lies within the 100-year floodplain. The proposed sale of the South Property, as a whole, will be evaluated under the National Environmental Policy Act (NEPA) process. The NEPA document, which will include the Floodplain Assessment, will be made available to Interested or Affected States and Tribes, as well as other key stakeholders/members of the public. Transfer of the South Property will not occur until the NEPA process has been completed.

ISSUANCE: Issued in Miamisburg, Ohio on December 30, 1998.



G. Leah Dever
Manager, Ohio Field Office

SOUTH PROPERTY FLOODPLAIN ASSESSMENT

1.0 INTRODUCTION

The accompanying environmental assessment (EA) evaluates, as the proposed action, the disposition of property owned by the U.S. Department of Energy (DOE). A small portion of the subject property lies within the 100-year floodplain, i.e., the area is subject to a 1% chance per year of inundation from the Great Miami River. The property is located at the DOE Mound Plant in Miamisburg, Ohio.

The action to dispose of DOE-owned land within the 100-year (or “base”) floodplain is subject to environmental review requirements. Those requirements are detailed in DOE’s floodplain and wetland management regulations, 10 CFR Part 1022. Pursuant to 10 CFR 1022.4(a)(1), 1022.5(b), and 1022.12(a-b), the following steps are required for the proposed action:

- use restrictions must be identified, and
- a floodplain assessment must be performed and included in the EA, if applicable.

To comply with the regulations identified above, this floodplain assessment has been prepared for the proposed action. The assessment includes (1) a description of the proposed action, (2) use restrictions associated with the proposed action, (3) a discussion of the effects of the action on the floodplain, and (4) alternatives to the proposed action.

2.0 DESCRIPTION OF THE PROPOSED ACTION

The proposed action would transfer title of the South Property (Figure 1) to the Miamisburg Mound Community Improvement Corporation (MMCIC). Approximately 123 acres of land would be transferred. Sections of the property would be developed for use as a research and light industrial park. The Comprehensive Reuse Plan (CRP) developed for MMCIC provides the most likely scenario for future development of the property (MMCIC 1997). According to the CRP, the South Property offers four sections of land suitable for industrial development. The area could support 290,000 square feet of new development with associated parking facilities. The area targeted for development represents approximately 20% of the total South Property acreage.

The types of industries likely to be solicited as tenants include (Simmons 1998):

- basic research or engineering laboratories,
- professional and technical education and training facilities,
- medical, dental or optical product manufacturing and testing,
- printing, publishing, binding, and typesetting,
- light trades (e.g., carpentry, sheet metal, machining),
- distribution operations, and
- administrative and technical offices.

The extent of the floodplain on the South Property is shown in Figure 2. The area is considered a special flood hazard area (SFHA) by the Federal Emergency Management Agency. The size of the SFHA has been established by the 1983 National Flood Insurance Program (NFIP) map for the City of Miamisburg, Ohio. The size was modified by a Letter of Map Amendment (LOMA) issued by FEMA in 1993.

Figure 1. Location of the Mound Plant South Property.

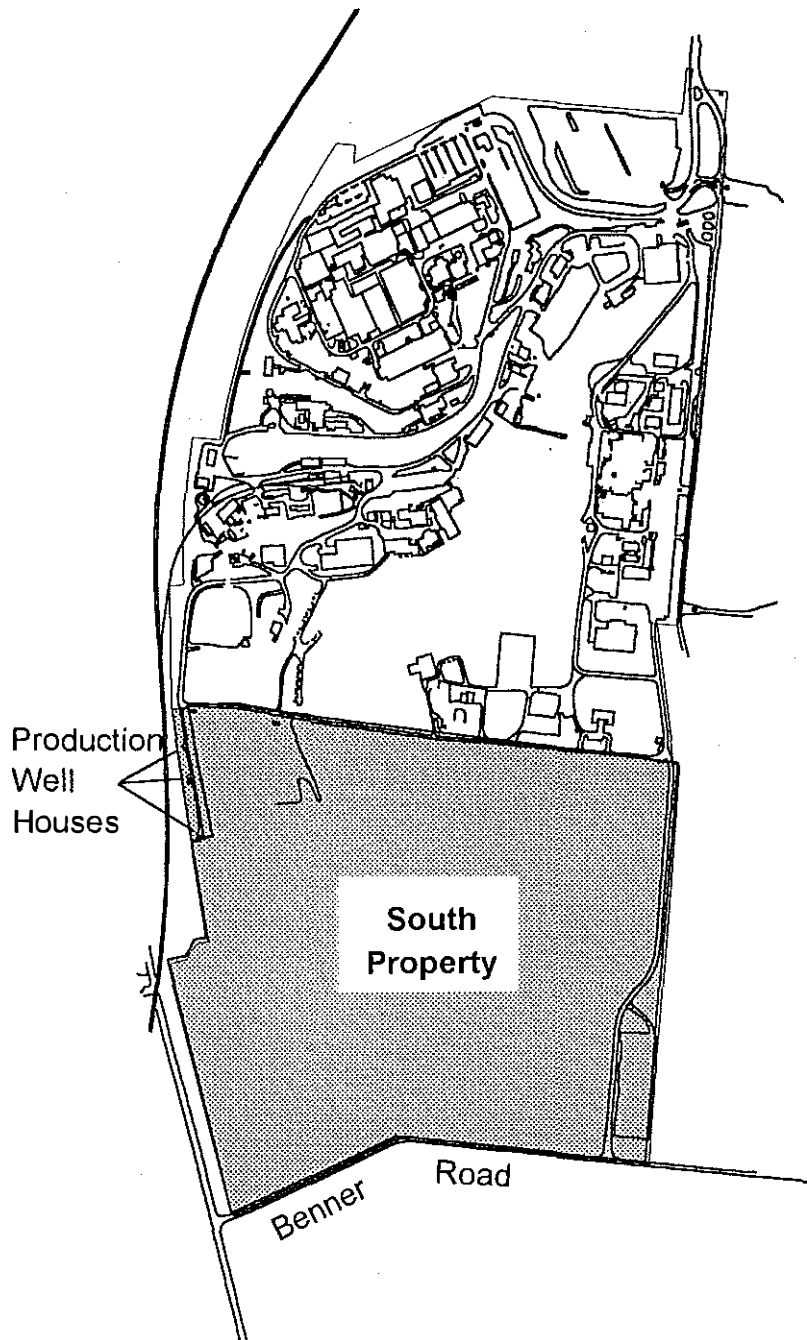
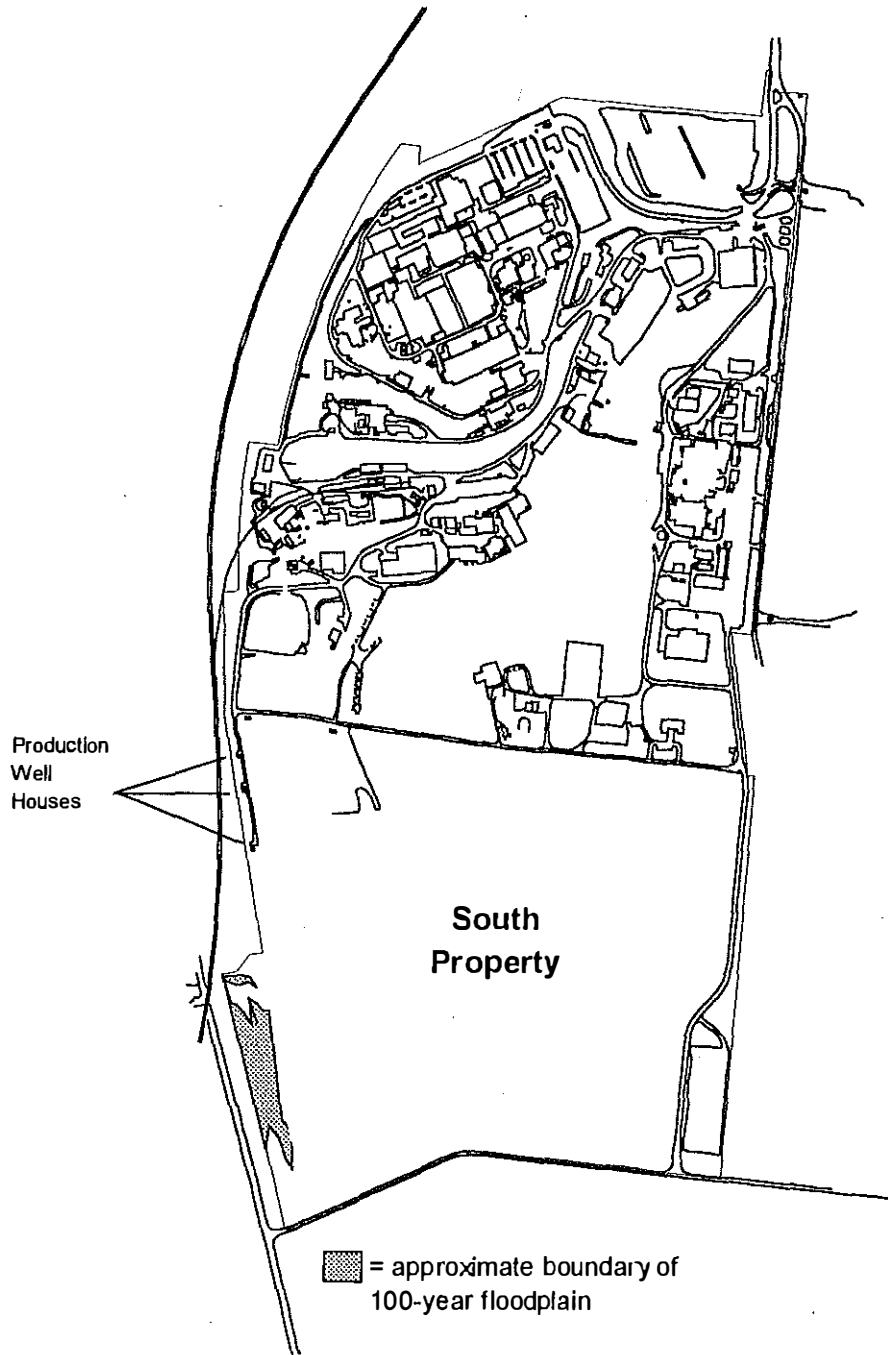


Figure 2. Approximate Extent of the 100-Year Floodplain on the South Property.



3.0 USE RESTRICTIONS

Pursuant to 10 CFR 1022.5(d), when DOE property is proposed for disposal to non-Federal public or private parties, DOE must identify those uses that are restricted under Federal, state, or local floodplain regulations. The future owner of the South Property should be aware of the following regulations governing activities on or adjacent to the 100-year floodplain.

Construction

Any buildings or structures in an SFHA must be constructed in accordance with 44 CFR Parts 59-77. For the specific case of the South Property, additional requirements in the Ohio Revised Code (ORC) may apply (ORC Chapters 3781 and 3791).

Construction of new, or modifications to increase the capacity of existing, public water systems should not be initiated within the 100-year floodplain. The intake structures are exempted from the restriction (OAC 3745-81-03).

A sanitary landfill may not be located in a 100-year floodplain unless the facility will not (a) restrict the flow of the 100-year flood, (b) reduce the water storage capacity of the floodplain, or (c) result in washout of solid waste so as to pose a hazard to human health and the environment (Ohio Administrative Code (OAC) 3745-27-20(C)(2)).

Operation of a Hazardous Waste Management Facility

OAC 3745-50-44 specifies additional permit application and management requirements for hazardous waste treatment, storage, or disposal facilities located within the 100-year floodplain.

Local Restrictions and Requirements

Any activity within the 100-year floodplain on the South Property is subject to Chapter 1288 of the City of Miamisburg Planning and Zoning Code. Development within the floodplain is subject to permitting requirements, as well as general and specific standards for construction.

4.0 EFFECTS OF THE PROPOSED ACTION ON THE FLOODPLAIN

As seen in Figure 2, only a small fraction of the South Property lies within an SFHA. Given the size of the SFHA and the availability of land more suitable for development, it is extremely unlikely that the proposed action would have direct or indirect, positive or negative, impact on the floodplain. The CRP does not anticipate any development within the floodplain; the land would remain in an "as-is" state. However, if development were pursued, it would be subject to the restriction identified in Section 3.

Given the extent to which floodplain management is regulated, it is reasonable to assume that future development would not have an adverse effect on human health or the environment. Therefore, no short- or long-term effects are expected as a result of the proposed action.

5.0 ALTERNATIVES CONSIDERED

Sale to Another Landlord

While the proposed action is to transfer the property to the MMCIC, an alternative action would be to transfer property to another interested stakeholder. This alternative was offered via a Commerce Business Daily announcement (CBD 1996). In that announcement, DOE indicated its intent to sell the entire Mound Plant (306 acres) to the MMCIC, under the authority of Section 161g of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201[g]). Expressions of interest in the property were solicited, including a general description of the intended use of the property and any specific property needs the user may require. This information was required to ensure that future development of the property would be consistent with the MMCIC's site vision. Three parties responded to the CBD Notice, expressing an interest in future real property transactions through the MMCIC. No parties expressed an interest in, or concern over, the DOE's plans to sell the Mound Plant, as a whole, to the MMCIC for purposes of economic redevelopment.

Long Term Lease

An alternative action would be to execute a long-term lease of the South Property. If this action were pursued, DOE would retain ownership while the property was developed pursuant to an "industrial use" standard. However, this alternative does not meet the purpose and need of dispositioning excess land.

Disposition Property to General Services Administration (GSA)

An additional alternative action would be to disposition the excess property through the GSA, either through the direct transfer of the property to the GSA (where DOE retains responsibility for surveillance and maintenance costs for no longer than five calendar quarters), or through GSA acting as a broker for DOE (where DOE retains responsibility for surveillance and maintenance costs until the property is sold). Both GSA disposition scenarios would lead to the same ultimate outcomes and, accordingly, may be treated as a single alternative. While this alternative meets the purpose and need for this action, it does not meet the underlying near-term goal of redevelopment.

No Action

If DOE were to take no action, the land would be retained by DOE and continue in its current use (i.e., undeveloped land). This alternative does not provide a means of meeting the purpose and need of dispositioning excess property.

6.0 REFERENCES

- 10 CFR 1022 *Compliance with Floodplain/Wetlands Environmental Review Requirements*, Chapter 10 of the Code of Federal Regulations, Part 1022.
- CBD 1996 *Sale of Real Property and Facilities*, Commerce Business Daily, August 7, 1996.
- FEMA 1993 Letter from G. Jamieson (FEMA) to M. Reker (U.S. DOE), *Letter of Map Amendment for the Special Flood Hazard Areas on the Mound Plant*, Federal Emergency Management Agency, Washington, D.C., May 17, 1993.
- MMCIC 1997 *Miamisburg Mound Comprehensive Reuse Plan*, Miamisburg Mound Community Improvement Corporation, Miamisburg, Ohio, January 1997.
- NFIP 1983 *Flood Insurance Rate Map, City of Miamisburg, Ohio, Montgomery County*, Community Panel Number 390413 0005 C, National Flood Insurance Program (NFIP), Federal Emergency Management Agency, Washington, D.C., January 14, 1983.
- Simmons 1998 Memorandum from C. Simmons (MMCIC) to S. Smiley (U.S. DOE), *Mound Potential Land Uses*, Miamisburg Mound Community Improvement Corporation, Miamisburg, Ohio, July 10, 1998.