

FINDING OF NO SIGNIFICANT IMPACT

TRANSFER OF LAND AND FACILITIES WITHIN THE EAST TENNESSEE TECHNOLOGY PARK AND SURROUNDING AREA OAK RIDGE, TENNESSEE

AGENCY: U. S. Department of Energy

ACTION: Finding of No Significant Impact.

SUMMARY: The U. S. Department of Energy (DOE) has completed an Environmental Assessment (EA) (DOE/EA-1640) for the conveyance (lease, easement, and/or title transfer) of DOE property located at the East Tennessee Technology Park (ETTP) and surrounding area for mixed use economic development. Leases, easements, and/or title transfers could be entered into with the Community Reuse Organization of East Tennessee (CROET), city of Oak Ridge, other agencies, or private entities. Leasing and title transfers for economic development are allowed under 10 *Code of Federal Regulations (CFR) 770, Transfer of Real Property at Defense Nuclear Facilities for Economic Development*. Also, 10 *CFR 770* gives DOE the discretion to lease or sell (title transfer) property at less than fair market value if the property requires considerable infrastructure improvements to make it economically viable, or if conveyance at less than market value would, in the DOE's judgment, further the public policy objectives of the laws governing the downsizing of defense nuclear facilities.

DOE's action is needed to reduce or eliminate landlord costs, which could include the cost of eventual building demolition within the study area. This is consistent with the goals of the President's Memorandum "Disposing of Unneeded Federal Real Estate—Increasing Sales Proceeds, Cutting Operating Costs, and Improving Energy Efficiency" (June 10, 2010) and helps to free money for reinvestment in cleanup projects to further reduce risks at the site. The conveyance of unneeded property can also help offset economic losses resulting from continued DOE downsizing, facility closures, and workforce restructuring.

Based on the results of the analysis reported in the EA, DOE has determined that the proposed action is not a major federal action that would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, the preparation of an Environmental Impact Statement (EIS) is not necessary, and DOE is issuing this Finding of No Significant Impact (FONSI).

PUBLIC AVAILABILITY: The EA and FONSI may be reviewed at and copies of the documents obtained from:

U. S. Department of Energy
Information Center
475 Oak Ridge Turnpike
Oak Ridge, Tennessee 37830
Phone: (865) 241-4780

FURTHER INFORMATION ON THE NEPA PROCESS: For further information on the NEPA process, contact:

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DESCRIPTION OF PROPOSED ACTION: DOE proposes to convey up to approximately 1,800 acres of property located within and surrounding the ETTP. This property includes the majority of the main ETTP plant area, Duct Island, a portion of the former K-25 Powerhouse Area, the K-1251 Barge Loading Area and the land adjacent to it, and land identified as Parcel ED-3. Areas that would not be conveyed include non-development areas and DOE-retained property (retained for a variety of uses or purposes). A large portion of the non-development area is already part of the Black Oak Ridge Conservation Easement (BORCE). The remaining non-development areas have limited development potential because of various constraints such as steep slopes, wetland and floodplain issues, existing infrastructure, and sensitive ecological resources. The DOE-retained property includes the K-1650 Central Control Facility, K-1039 and K-1039-1 Telecommunications Buildings, K-1070-C/D Burial Ground, K-806 and K-814 McKinney Ridge Radio Repeater Stations, and the Transportation Safeguards Division Facility (a National Nuclear Security Administration facility). DOE would also retain custody, control, and maintenance of the cemeteries that are located within the area.

Conveyance of the property would be phased with the option of fee title transfer, easements, or leasing. Upon the completion of the conveyance, the developable portions of the property would be marketed, sold, leased, or utilized by CROET or other owners. The proposed action assumes that the conveyed property would be developed for a mixed use, including but not limited to, industrial, commercial, recreation, tourism (including historic preservation), and open space. In addition to the construction of new facilities or reuse of existing facilities, development activities would also include placement and compaction of earth backfill to establish required building elevations, excavation for the installation of concrete foundations/footings, and infrastructure development including, but not limited to, utility connections. Construction activities would also include vehicle access roads, parking lots, pedestrian walkways, and fire protection facilities and equipment.

Because specific uses may not be known prior to the fee title conveyance or until proposals for leases are developed and reviewed by DOE, reasonably foreseeable uses were developed to bound the analysis in the EA. Industrial uses considered are the permitted principal uses and uses requiring a Board of Zoning Appeals permit in the City of Oak Ridge Zoning Ordinance for IND-1, IND-2, and IND-3, Industrial Districts. Additional commercial and recreational uses are those included in the Zoning Ordinance for UB-2, Unified General Business Districts. The bounding analysis also assumed that the potential uses would be compatible with non-DOE uses in the surrounding area and other ongoing DOE missions and activities. If portions of the parcel are leased prior to being conveyed, DOE would review each proposal to ensure that proposed activities fall within the bounding analysis in this EA. If the proposed uses and their potential impacts were not consistent with the uses and bounding analysis evaluated in the EA, DOE would determine the appropriate level of additional review that would be required prior to implementation.

Although the EA analyzed several potential reuse scenarios for the property being evaluated; it does not eliminate the need for the transferee to complete any required environmental analysis, permits, or consultations, if appropriate, for their proposed future actions. If a transferee would require a federal permit or license, for example, the federal agency, working on behalf of the transferee, would need to complete the required additional processes (e.g., additional NEPA review).

In accordance with the Federal Facility Agreement (FFA) between the DOE-Oak Ridge Office (ORO), the U. S. Environmental Protection Agency (EPA), and the Tennessee Department of Environment and Conservation (TDEC), conveyances would have to comply with the CERCLA Sect. 120(h) requirements. To comply with the CERCLA requirements, a report is prepared that details the baseline environmental condition of the property and requires the identification of hazardous materials that are present, stored, or have been released on the property proposed for transfer. The report also includes information on prior property ownership, past and present property use, as well as past and present activities on adjacent properties and controls identified in remedial action documents. Depending upon the review of historic records, environmental sampling may be conducted, including radiological

surveys, if needed. The resultant data may be used in a risk analysis, if appropriate. The information collected provides the environmental risk management basis for DOE's lease or title transfer decision, notwithstanding the policy-level decision-making that is achieved via the NEPA process.

ALTERNATIVES: In addition to the proposed action, impacts were also evaluated for two additional action alternatives and the no action alternative. Under Alternative 1 (Heavy Industrial), DOE would convey the same property that is included in the proposed action. However, instead of the property being developed for mixed uses, it would be developed to support heavy industrial operations only. Alternative 2 (UB-2 Unified General Business Districts) also included the same property as the proposed action. The property would be developed for mixed uses except for industrial. Under the no action alternative, no additional property within the EA study area would be leased or sold for development unless it has already been reviewed under a previous NEPA evaluation. Title transfer activities presently underway at ETTP for all facilities and land areas included in previous NEPA decision documents would continue. The remainder of the property within the study area would continue to be retained by DOE. Ongoing environmental restoration and waste management activities at ETTP would also continue.

Three other alternatives to the proposed action were considered but eliminated from further analysis. These included conveyance by lease only, transfer of additional land near the ETTP, and transfer of other ORR land. Transfer of land via lease only did not meet the stated purpose and need for the proposed action because DOE has a programmatic need to reduce its footprint and reduce or eliminate landlord costs at ETTP. DOE also had previously considered additional property located along Bear Creek Road, land located east of Parcel ED-3, and areas along Blair Road. The property along Bear Creek Road was eliminated from further consideration for development due to the power line ROW, sensitive ecological areas, and topography. The additional land along Blair Road and east of Parcel ED-3 was eliminated primarily because of the adverse impact that it would have on the remnants of the historic Wheat Community.

ENVIRONMENTAL IMPACTS: The EA assessed the potential impacts of the proposed action and no action alternatives on the following resources: land use, air quality, noise, geology, soils, water resources, ecological resources, cultural resources, socioeconomics, infrastructure, waste management, and human health and safety. Potential cumulative impacts were also assessed.

Land Use

The existing land use of the areas leased and/or transferred would change over time as development occurs. This would be most evident in the areas that have had limited development or presently area primarily undeveloped (e.g., Duct Island, Parcel ED-3). Extensive industrial or commercial development would have the greatest change on the visual character of the property. In the highly disturbed main portion of ETTP, development would not change the existing land use, which has been and is currently industrial in nature. Not all of the areas proposed for conveyance are equally developable because of various constraints such as existing power lines and utility ROWs, floodplains, and cemeteries. Acceptable land uses will also be based on the results of the CERCLA 120(h) reviews, applicable city of Oak Ridge zoning requirements, and the ability to obtain construction and operating permits and licenses.

Air Quality

Since not all of the land parcels would be transferred all at once, construction activities would be phased and air emissions from site development would be short-term, sporadic, and localized. Fugitive dust would be controlled to minimize emissions. The types of commercial businesses and industries that are anticipated to be recruited could produce air emissions (e.g., volatile organic compounds, particulates, etc.) typical of standard industrial and research operations. Minor emissions are typically controlled within the facility using conventional treatment technologies like scrubber systems and particulate filters, and external effects are negligible. New facility operations that have minor air contaminant sources would

be required to obtain air quality construction and operating permits (non-Title V) from TDEC. Major sources of air emissions typical of heavy industries could be subject to a Title V operating permit. A Title V permit is required for any facility operations with the potential to emit more than 100 tons per year of any regulated air pollutant, 10 tons per year of any hazardous air pollutant, and/or 25 tons per year of any combination of hazardous air pollutants.

Noise

Other than temporary noise from construction activities, noise levels should remain close to existing levels, and no adverse noise impacts are anticipated. Workers associated with the construction activities would be expected to wear appropriate hearing protection as required by the Occupational Safety and Health Administration (OSHA). Noise compatibility should be a consideration when putting together development plans and may be a factor in obtaining the appropriate building/construction permits, licenses, etc., as part of applicable zoning regulations or ordinances that the private owners/developers would be subject to.

Geology and Soils

Many of the affected areas are within currently or previously disturbed areas used for industrial applications. Potentially affected geology and soils are generally stable and acceptable for standard construction requirements. Geotechnical investigations conducted prior to construction would likely identify any significant karst conditions, if present. If appropriate, shallow footings, micro piles, etc., would be used to minimize any potential disturbance of underlying geological resources. Ground disturbance would be conducted incrementally to limit the potential for soil erosion and best management practices (i.e., erosion prevention and sediment control) would be implemented. No significant impacts to geology or soils would occur. The Excavation/Penetration Permit Program is a DOE control for operations and ongoing cleanup activities. Deed restrictions could be included that require the property owner to obtain an excavation/penetration permit from DOE, as long as DOE's program is in place. The Zone 1 and Zone 2 Records of Decision have a current restriction on excavation below 10 ft without proper controls. Similar restrictions would be placed in Covenant Deferral Requests, as necessary.

Water Resources

Erosion and sedimentation controls would limit potential impacts on surface water. No significant adverse impacts on surface water or groundwater are anticipated from construction and normal facility operations. Use of groundwater would be prohibited via a lease restriction or condition of the deed for title transfer. The restriction is to ensure the protection of human health by preventing exposure to known groundwater contamination in certain areas. The addition of new impervious surfaces would increase the rate and volume of storm water runoff within the affected area. Increases in surface water runoff as a result of new construction would be attenuated through the use of temporary or permanent storm water controls, such as detention or retention basins and other structures, use of permeable pavement, and stabilization of disturbed areas through landscaping and vegetation. The use of these measures would also increase groundwater recharge through direct percolation, offsetting the loss of pervious surface due to construction and minimizing downstream effects. Storm water runoff after construction activities are completed and any discharge from facility operations to surface water would be in accordance with limitations established under the applicable TDEC NPDES permit. Applicable federal, state, and local laws and regulations would apply to any activities that could potentially affect a floodplain or wetlands.

Ecological Resources

Adverse environmental impacts to existing habitat or wildlife would be limited because construction activities would primarily occur within existing or previously disturbed areas. Development would result

in the removal of native vegetation and minor habitat fragmentation in some previously developed and undeveloped areas. However, the actual footprint of disturbance in these areas would be relatively small, and there are large areas of similar habitat adjacent to these sites. Normal facility operations would not have any adverse impacts to wildlife or pose any unacceptable ecological risk. The potentially affected areas are primarily industrialized, fragmented, and disturbed; no rare, threatened, and endangered plant and animal species are known to occur, therefore adverse impacts are not anticipated. The DOE license to the Tennessee Wildlife Resources Agency for operating and maintaining the Oak Ridge Wildlife Management Area would need to be amended to exclude those areas that are conveyed. Also, additional safety zones would need to be posted around the perimeter of any new development areas. This could reduce the number of deer harvested from the ORR by a very small percentage; however, the loss of hunting area could possibly be offset by changes in other management parameters, such as permitting an additional hunt or increasing the harvest quota.

Cultural Resources

Other than the Happy Valley area within Parcel ED-3, no other prehistoric or historic archaeological resources would be affected by the proposed action. Potential impacts could be indirect or direct, depending upon future development proposals. Known prehistoric sites located along Poplar Creek and the Clinch River are located in DOE-designated non-development areas or they would be protected from development through lease and/or deed restrictions based on consultation with the Tennessee SHPO. Likewise, the six cemeteries located within the EA study area would remain under DOE control. They would also be protected from any future development activities through the establishment of appropriate buffers around each cemetery. A portion of the Parcel ED-3 area is directly adjacent to the Wheat Historic District, but development would not have any direct adverse impacts on the area, and the view of the George Jones Memorial Baptist Church would not be obscured. Two Happy Valley archaeological sites (40RE233 and 40RE577) have been recommended as eligible for listing in the National Register of Historic Places. Lease and/or deed restrictions would require that if an unanticipated discovery of cultural materials (e.g., human remains, pottery, weapon projectiles, and tools) or sites is made during any development activities, all ground-disturbing activities in the vicinity of the discovery would be halted immediately. The lessee would be responsible for contacting DOE and property owners would be responsible for contacting the Tennessee SHPO, prior to any further disturbance of the discovery-site area. DOE has completed the Section 106 process in consultation with the Tennessee State Historic Preservation Office and the consulting parties.

Socioeconomics

The proposed action would have a minor, positive employment and income impact and could generate up to 2,500 new, direct jobs and 3,300 indirect jobs over a 13-year period. Beneficial fiscal impacts would include increased revenue from real estate or sales taxes. Based on the small number of new jobs that would be created, no impact on population is anticipated, and no disproportionate adverse health or environmental impacts would occur to any low-income or minority populations. DOE would not continue the in-lieu-of-tax payments on the property that is conveyed.

Infrastructure

Existing utilities have adequate capacity to support additional development, but minor upgrades and modifications would be needed. Electricity would be purchased from the city of Oak Ridge, and natural gas would be purchased from the Oak Ridge Utility District. Telecommunication services could be provided from the fiber-optic system that serves the ETTP. Existing water and sewer lines currently exist along SR 58. In the long-term, the city of Oak Ridge, along with other public and private organizations, is working on completing the extension of utility services to the western portion of the city corporate limits to serve proposed future developments. Transport of construction materials would be over regional and local roadways and would have a negligible effect on existing traffic. Employee traffic could increase

over current levels but would not exceed historic levels. A minor increase in the amount of traffic should also not substantially increase the chance of accidents occurring. Installing turn lanes, additional traffic signals, and frontage roads could mitigate these types of potential impacts, if necessary.

Waste Management

Specific details about the wastes that may be generated by companies locating on property that is conveyed and developed are not available; however, the types of uses that are anticipated would produce wastes typical of other industrial, research, and office park operations in the region. These wastes would be handled by the individual companies or by contracted waste management services providers. Solid non-hazardous waste would be recycled or transported to an appropriate licensed landfill for disposal. Minor quantities of hazardous or radioactive waste may be generated. These wastes would be handled and stored according to applicable state and federal regulations and transported to an approved, licensed, off-site facility for further treatment and/or disposal. It is also possible that some companies may stabilize, test, and treat these wastes on-site as part of their operations. For NRC-licensed facilities, radioactive materials and wastes would be handled according to the conditions of the license. This might include returning the materials and waste to the manufacturer, when required, or stabilizing, testing, and transporting them to a licensed off-site facility for disposal. Impacts from accidental spills would be addressed by individual operating entities through the use of safety procedures and spill prevention plans. If required by state/federal law, companies locating within the development would have a spill prevention, control, and countermeasures plan and/or an emergency response plan, should a release of hazardous materials (to any environmental medium—air, surface water, groundwater, or soils) occur.

Human Health and Safety

Construction workers would be subject to typical hazards and occupational exposures faced at other industrial construction sites. Falls, spills, vehicle accidents, confined-space incidents, and injuries from tool and machinery operation could occur; similar accidents could occur at facilities during operation. No unique occupational health and safety hazards are expected, and it would be the responsibility of each company to operate in a safe and protective manner. Issues related to public and worker exposures to effluents and emissions from industrial operations would be addressed by permits and regulations under the state of Tennessee. It is expected that resources would be available for response to an event such as a fire, release or spill through agreements with ETTP emergency response units and surrounding communities.

Intentional Destructive Acts

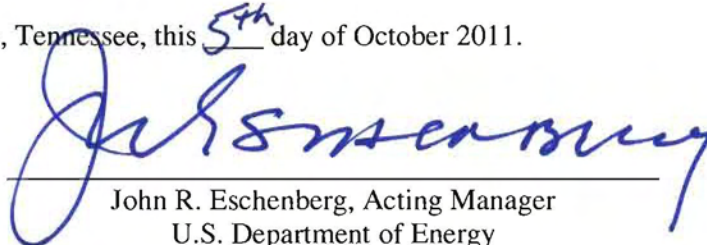
The likelihood of sabotage and terrorism is extremely low. However, it is possible but highly unlikely that random acts of vandalism could occur. A variety of measures to control access and maintain security would be used.

Cumulative Impacts

Potential impacts on the various environmental resources from the proposed action when added with the impacts of other past, present, and reasonably foreseeable future action in the Oak Ridge area would not be significant.

DETERMINATION: Based on the findings of this FONSI, and after careful consideration of all public and agency comments, DOE has determined that the proposed transfer of land and facilities within the ETTP and surrounding area does not constitute a major federal action that would significantly affect the quality of the human environment within the context of NEPA. Therefore, preparation of an EIS is not required.

Issued at Oak Ridge, Tennessee, this ^{5th} day of October 2011.



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