

4.0 Beneficial Reuse Project

DOE has an initiative to increase the number of LM custody and control sites in beneficial reuse by fiscal year 2015. The Durango disposal site is one of the sites identified as a potential location for a beneficial reuse project.

4.1 Scope

DOE would consider two models for the type of beneficial reuse at the disposal site:

- DOE would make land available for lease to private industry or electric utilities. An example of this would be placement of solar photovoltaic panels on top of the disposal cell cover or on previously disturbed areas west of the cell for the generation of electricity.
- DOE would not lease access to the site but would coordinate with other government agencies in management of site activities. An example of this would be coordinating site activities with state agencies to enhance site resources to the benefit of the local wildlife population. Another example would be coordinating with government agencies in planning hiking trails that could use some of the Durango Disposal Site perimeter land.

Any potential reuse of the site will not be allowed without the concurrence of CDPHE and NRC.

4.2 National Environmental Policy Act

For any proposed reuse project, DOE will prepare National Environmental Policy Act (NEPA) documentation suitable to the scope of the proposed reuse project. Public involvement or notification through meetings or electronic media is a required part of the NEPA process and would be conducted in accordance with the level of community interest and scope of a proposed action. An Environmental Assessment is an expected level of NEPA documentation that would be associated with a renewable energy project, whereas a lower level of NEPA documentation (e.g., an Environmental Checklist leading to application of a Categorical Exclusion) may be appropriate for a small-scale project such as upgrading wildlife habitat with no impacts to the disposal site.

4.3 Long-Term Lease Requirements

DOE will always maintain ownership of the disposal site and will not transfer or dispose of any real property interest without NRC concurrence. If DOE enters into a lease on the Durango site, all realty interest in the form of a lease shall be revocable, and the term of the lease shall be limited. Any lease shall require the lessee to restore the site to preexisting conditions at the end of reuse activities.

The minimum lease requirements and restrictions will include the following:

- Bonding and insurance;
- Duration and cost of lease;
- Site access, security, and fencing;
- Vendor requirements for utility coordination;

- Permitting;
- Vendor water source and infrastructure requirements;
- Roles and responsibilities for compliance with environmental laws;
- NRC and CDPHE approval and potential associated time requirements;
- Disposition and restoration; and
- Additional restrictions and requirements that will ensure the proposal will not negatively impact disposal cell maintenance and performance are described in Section 4.5, “Minimum Technical Requirements.”

4.4 Potential Reuse Impacts

Despite any reuse, DOE will ultimately be responsible for ensuring the integrity of the Durango disposal cell and for ensuring that it remains protective of human health and the environment.

To ensure that any potential reuse does not have a negative impact on the cell, DOE would increase the frequency of site inspections. The increased frequency of inspections will depend on the type of reuse activity.

Appendix D presents a listing of potential reuse impacts related to a solar installation project on the cell, based on requirements for the annual inspection, along with mitigation measures. This type of evaluation will be required for any reuse activity. Additional inspections related to reuse activities will include a review of the initial anticipated impacts and verification that mitigation of those impacts remains effective as reuse activities progress.

4.5 Minimum Technical Requirements

To ensure that reuse of the site does not interfere with the long-term care, the following minimum technical requirements will be required for reuse activities. In the case of a reuse activity with a lease to a private entity, these requirements will be imposed on the lessee through the lease.

4.5.1 Disposal Cell Cover

- Overall integrity of the disposal cell cover must remain intact;
- No grading can be done on the disposal cell cover;
- Rock armor on the channels and side slopes shall not be disturbed. An access road to the cell cover can be built across the northern diversion channel (Ditch No. 3) near its high point by using geotextiles and free-draining aggregate to bridge over the riprap;
- Erosion protection: The project must not concentrate runoff to create a new runoff pattern across the cell cover. Runoff cannot cause erosion of the surface. Lessee must repair any surface erosion resulting from reuse;
- Infrastructure cannot anchor into the soils; electrical conduits must be placed aboveground;
- Infrastructure cannot be within 5 ft of the site markers or monuments.
- Clear paths need to be maintained for all-terrain-vehicle access;

- If utility trenching for high-voltage lines or small foundations is required, the depth of excavation is limited to a maximum of 24 inches, and shall not exceed the total area of disturbance specified in the lease. The top 6 inches of material (soil/rock matrix) must be separated from deeper excavated soils. Soils must be placed back with 90 percent standard Proctor compaction;
- Settlement: Loads shall not exceed 300 pounds per square foot bearing pressure on the ground;
- Machinery used on the cover shall have rubber tires, be considered low ground pressure equipment, and not cause rutting. Nothing shall be allowed within 5 ft of the site marker (SMK-2) on the cover; and
- Existing grasses within the project footprint are to remain growing as much as practicable. Any grasses disturbed at the end of project shall be reseeded with approved seed mixture.

4.5.2 Entire Site

- Lessee shall use their own lock on the entrance gate for continual access and “daisy chain” with DOE’s lock. DOE shall have access to facility for spraying of noxious weeds, inspections, and maintenance of cell cover, as necessary. Lessee will determine if security fencing is required. Improvements to the entrance gate and installing some new perimeter fence, as needed, should be considered as an alternative. The gate must be locked at all times.
- Lessee can only access the site using designated routes and can only conduct operations and place project structures in areas designated by DOE.
- DOE must have access to the solar facility for spraying noxious weeds, conducting inspections, and maintaining the cell cover.
- There is not water currently available on the site. No wells can be drilled within the property boundaries.
- Lessee is responsible for all improvements required for connections to the local grid or substations. As much of the infrastructure as possible shall be placed off of the cover.
- During the installation and reclamation of the panels and infrastructure, if traffic congestion occurs temporary traffic control measures may be required.
- All maintenance areas, including sheds, shall be off of the cover in areas designated by DOE. Any hazardous materials required for construction or maintenance must be approved by DOE before they are brought on site. Any hazardous material approved for use or storage shall have a Material Safety Data Sheet on site. Any spills shall be properly cleaned up and reported to DOE and any other required agencies. Fuel for equipment cannot be stored on site. Vehicles and machinery can only be fueled off of the disposal cell.
- Delivery and staging of construction materials shall also occur off of the cover and side slopes and in areas designated or approved by DOE.
- Cut slopes required as part of grading on areas off of disposal cell cover shall not be steeper than 4H:1V. Natural drainage channels cannot be disturbed. All disturbed areas will be revegetated with approved seed mixture after installation and after infrastructure is removed.
- No activity would be allowed within 150 ft of the cultural site. Additionally, the lessee would be responsible for informing all persons associated with the project that they would

be subject to prosecution for knowingly disturbing cultural sites or collecting artifacts of any kind.

- If fencing is required for site security, CDOW has requested that wildlife-exclusion fencing or wildlife-friendly fencing be installed.
- Overhead electrical lines may only be installed with advanced approval by DOE. If an overhead electrical line is required, CDOW would require that a raptor-proof system be installed.
- After end of the lease, all equipment, fencing, electrical infrastructure, and other associated improvements shall be removed from the site. Except for approved grading changes, site shall be restored to preexisting condition.