

memorandum

DATE: January 27, 2005

REPLY TO: 05-ESH&Q-002

ATTN OF: FE-4441 (KBatiste)

SUBJECT: NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DETERMINATION FOR WEST HACKBERRY RAW WATER INTAKE STRUCTURE SITE MODIFICATIONS

TO: William C. Gibson, Jr., Project Manager, Strategic Petroleum Reserve Project Management Office, FE-44

This NEPA Determination memorandum is prepared and forwarded to you in accordance with Strategic Petroleum Reserve Project Management Office (SPRPMO) O 451.1B, SPRPMO NEPA Implementation Plan.

Based on my review of the description of the project conveyed to me on the attached Record of NEPA Review form, an Environmental Assessment (EA) is required. The NEPA review indicates that an EA is required, based on non-conformity with the conditions listed in 10 Code of Federal Regulations 1021.41(b) (1) Appendix A or B of Subpart D such that a Categorical Exclusion is not applicable.

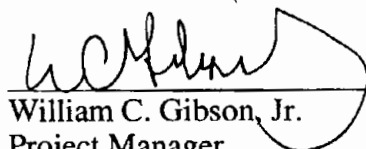
Upon receiving your approval, the EA process will begin.



Kathy Batiste
SPRPMO NEPA Compliance Officer

APPROVED:

DISAPPROVED:



William C. Gibson, Jr.
Project Manager

Attachment

RECORD OF NEPA REVIEW

Page 1 of 4
Title: WH RWIS Site Modifications

Title: WH RWIS Site Modifications

Description: An overall modification of the WH RWIS site including expansion of the existing site footprint is proposed. This proposed action to modify the existing WH RWIS site is comprised of several tasks, which include:

- a) Installation of additional perimeter lighting, fencing and adjustment to CCTV
- b) Grading and drainage of areas acquired for modification to the RWIS including catch basins and underground piping
- c) Installation of an additional jib crane at the RWIS to facilitate the handling of RWIS pumps and motors
- d) Installation of additional bulkhead and crushed limestone in the westernmost portion of the area to be acquired at the RWIS
- e) Installation of a process water well for construction and equipment washdown
- f) Placement of new sheet pile parallel to existing sheet pile with creation of a 2 foot cavity in the Gulf Intracoastal Waterway (GIWW) in which fill material will be deposited. Includes the extension of existing pipes to accommodate the expanded footprint and placement of new guard posts to protect the modified piping.

The aforementioned modifications to the WH RWIS site are comprised of tasks from several projects.

- g) Land acquisition including:
 1. Fee-simple acquisition of approximately 0.51 acres consisting of:
 - i. Additional perimeter property along the existing fence line (addition of 16 ft on the east side, addition of 73 ft on the west side and addition of 11 ft on the south side)
 - ii. Additional frontage on the GIWW (addition of 9 ft)
 2. Acquisition of temporary construction easement near the RWIS (approximately 12 acres)

Acquisition of land is also based on acreage requirements from several tasks. Calculation of square footage of new foot print of RWIS was then converted to acreage with the base acreage from the deed map subtracted from the total new footprint acreage. Calculation of the square footage of just the portion of the enlarged footprint that is to be acquired was also performed and the total square footage of just the property to be acquired was converted to acreage. The larger estimate of acreage to be acquired (as calculated) was utilized for conservatism.

RECORD OF NEPA REVIEW

Completely signed NEPA document is needed by _____ per DM Engineer.

I concur with the accuracy of the above brief descriptive task summary by my signature.

John Tully
DM Engineer (Task a)

1-25-05
Date

[Signature]
DOE Engineer (Task a)

1/25/05
Date

[Signature]
DM Engineer (Tasks b, c, d, e)

1/25/05
Date

[Signature]
DOE Engineer (Tasks b, c, d, e)

1/25/05
Date

Maria M. Gross
DM Engineer (Task f)

1/25/05
Date

Paul Tully
DOE Engineer (Task f)

1/26/05
Date

Duric Tunnello for
DM Legal (Task g)

1/25/05
Date

[Signature]
DOE Legal (Task g)

1/26/05
Date

Real Property

RECORD OF NEPA REVIEW

Page 3 of 4
Title: WH RWIS Site Modifications

Regulatory Requirements in 10 CFR 1021.410

(1) The proposed action fits within a class of actions that is listed in Appendix A or B of Subpart D.

The proposed action must not:

1. Threaten a violation of statutory, regulatory, or permit requirements for environment, safety, and health, including requirements of DOE and/or Executive Orders.
2. Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities, but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions.
3. Disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and /natural gas products that preexist in the environment such that would be uncontrolled or unpermitted releases; or
4. Adversely affect environmentally sensitive resources.

(2) There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.

(3) The proposal is not "connected" (40 CFR 1508.25(a)(1)) to other actions with potentially significant impact and is not related to other proposed actions with cumulatively significant impacts (40 CFR 1508.25(a)(2)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211.

The proposed action does not fit within a class of actions that is listed in Appendix A or B of Subpart D as it does not conform to condition (4) of Appendix B of subpart D of 10 CFR, i.e. it will adversely affect environmentally sensitive resources (wetlands/floodplains/surface water).

Environmental Analysis:

Review Initiation Date: 1/25/05

CA (Clean Air): N/A

CW (Clean Water): see Aspects

HW (Hazardous Waste): see Aspects

CS (Control of Toxics): see Aspects

PP (Pollution Prevention): N/A

MR (Mgmt and Report): NEPA review

Wetlands/ Floodplains: see Aspects

Aspects:

Job consists of site modifications at the WH Raw Water Intake Structure.

Aspects will be mitigated by the following:

- Subcontractor must submit MSDS sheets to DM for approval of any products prior to use on the project.
- Subcontractor must submit a Waste Minimization Plan to DM for approval prior to commencement of physical work for wastes generated on a SPR site.
- Subcontractor must check with DM to ensure that permit or permit modification has been obtained from the U.S. Army -Corps of Engineers prior to start of construction.
- Subcontractor must check with DM to ensure that a consistency determination has been made of this direct federal action by the LDNR Coastal Management Division prior to construction.
- Subcontractor must check with DM to ascertain if a Water Quality Certification is needed and has been obtained prior to construction.

RECORD OF NEPA REVIEW

Determination of NEPA

- This project is covered under an existing NEPA document and does not require further NEPA action.
- NEPA document to be applied: The Department of Energy has determined that this task is of the administrative nature and is therefore covered under the original Environment Impact Statement, Environmental Assessment, or Supplement Assessment prepared for the operation of the Strategic Petroleum Reserve.
- NEPA review indicates an Environmental Assessment is required, based on non-conformity with the conditions listed at Appendix B of Subpart D in accordance with 10 CFR 1021.410(b)(1) such that a CX is not applicable.
- NEPA review indicates an Environmental Assessment is required, based on connectivity of the proposed action to other actions with potentially significant impacts and/or other actions with cumulatively significant impacts, as required by 10 CFR 1021.410(b)(3).
- NEPA review indicates an Environmental Impact Statement is required. (see attached _____)
- NEPA review indicates this project is a Categorical Exclusion.

J. C. Jett
Approved by
DM NEPA Specialist

1/25/05
Date

J. C. Jett for David Folst
DM Environmental Dept. Concurrence

1/25/05
Date

Based on my review of information conveyed to me and in my possession the proposed action, as NEPA Compliance Officer (as authorized under DOE Order 451.1), I have determined that the proposed action fits within the specified actions, the other regulatory requirements set forth above are met, and the action is hereby excluded from further NEPA review.

K. Butcher
Approved by
DOE NEPA Compliance Officer

1/24/05
Date

LIST OF ENVIRONMENTAL SUBMITTALS

Contract Number: WH-04-084 & WH-MM-609 Description: WH RWIS Site Modifications

#.	(1) (X) APPLIES	SPEC. PARAGRAPH	DESCRIPTION OF SUBMITTAL	(2) SUBMITTAL DEADLINE	Electronic COPIES TO CMTR (3)	REMARKS OR NOTES
1	X	3.0	Submit a letter to M&O contractor to confirm that M&O contractor has received all permits	Prior to mobilization	1	Ensures permits are in place prior to work. CMTR will provide a copy to the Site ES&H Manager for confirmation.
2		4.4	Proof of EPA approved certification of personnel and equipment for CFC refrigerant and Halon recovery	Prior to commencement of work	1	
3		4.4	Service records for appliances containing at least 50 pounds of refrigerant.	After servicing.	1	CMTR will provide documentation to Site ES&H Manager. Records must be maintained on site for at least 3 years.
4	X	5.2	List of products and their current MSDSs to be approved for site use (submitted to CMTR)	10 working days in advance of need, or prior to use of a product for emergency contracts	1	Contractor must keep MSDSs at workplace. List will be modified as needed. CMTR will provide copies to the Site ES&H Manager. The site ES&H Manager will provide to the NOLA Chemical Management Specialist those MSDSs for products not listed in the Qualified Products List for review and approval.
5	X	6.2	Hazardous material handling and transportation training documentation	Prior to handling hazardous material	1	CMTR will provide documentation to Site ES&H Manager.
6		6.6	Copy of commercial pesticide applicator's license	Prior to initial application	1	CMTR will provide copy of license to Site ES&H Manager.
7	X	6.7	Copies of driver's licenses for hazardous material	Prior to commencement of work	1	Copies will be provided to the CMTR prior to transporting throughout contract period.
8	X	6.8	Contamination (Spill) Report	End of work day of occurrence	1	CMTR will provide copy to site Control Room Operator
9	X	6.9	Contractor's Chemical Inventory	Every 3 months, or at contract end, if sooner	1	Completed inventory will be provided to CMTR.
10	X	7.2	Approved waste management plan	Prior to commencement of work	1	CMTR will provide copies to Site ES&H Manager and NOLA Waste Mgmt. Specialist for review/approval. Review of the plan by M&O contractor may require up to 5 working days.

(1) Submittals applicable to this contract are marked with an "X."

(2) Submit information on or before submittal deadline.

(3) Electronically transmit to Construction Management Technical Representative (CMTR) on site.

LIST OF ENVIRONMENTAL SUBMITTALS (cont.)

Contract Number: WH-04-084 & WH-MM-609 Description: WH RWIS Site Modifications

#.	(1) (X) APPLIES	SPEC. PARAGRAPH	DESCRIPTION OF SUBMITTAL	(2) SUBMITTAL DEADLINE	(3) COPIES TO CMTR	REMARKS OR NOTES
11	X	7.2.4	Lab and QA/QC results of waste characterization	10 working days after sampling	3	CMTR will provide copies to Site ES&H Manager and NOLA Waste Mgmt Specialist.
12	X	7.2.5	Waste determinations for approval	Prior to disposal	3	Include lab test and QA/QC results with the waste determination. CMTR will provide copies to Site ES&H Manager and NOLA Waste Mgmt Specialist for review and concurrence. Approved determinations become part of the waste management plan.
13	X	7.2.7	SPR Weekly Waste Inspection Report	End of month or end of contract if sooner	2	CMTR will provide a copy to Site ES&H Manager immediately upon receipt.
14	X	7.2.7	Monthly Waste Inventory Report	End of month or end of contract if sooner	2	CMTR will provide a copy to site ES&H Manager immediately upon receipt.
15	X	7.2.9	Requested waste disposers, transporters, and recyclers not on the SPR qualified list	60 calendar days prior to need for disposers and recyclers and 10 days for transporters	3	CMTR will provide copies to the Site ES&H Manager and the NOLA Waste Mgmt Specialist for investigation and concurrence. Submittal does not guarantee approval by M&O contractor
16	X	7.2.10	Copies of waste shipping papers	Immediately after signing	1	CMTR will provide a copy to the ES&H Manager for records.
17	X	7.2.11	Request for approval of disposal location for temporary sanitary facility waste	Prior to delivery of sanitary facilities	3	CMTR will provide information to Site ES&H Manager and NOLA Waste Mgmt. Specialist for concurrence.
18	X	7.2.12	Request for permission to discharge waters	Prior to discharge	2	CMTR will provide requests to Site ES&H Manager. Some discharges may require permits. Check on these prior to work.
19		7.2.12	Request for permission to discharge hydrostatic test water	30 days prior to intent to discharge	2	Applies only for pipe testing where discharge is made to ground. CMTR will provide request to Site ES&H Manager.
20	X	5.5	Affirmative Procurement Report (when quantities are estimated, i.e., not verifiable)	At contract completion	2	Contractor shall complete Attachment 2. CMTR will provide an electronic copy of report to M&O Contractor Pollution Prevention Specialist.
21	X	5.5	Affirmative Procurement Report (when quantities are verifiable)	At contract completion	2	Contractor shall complete Attachment 3. CMTR will provide an electronic copy of report to ES&H Pollution Prevention Specialist.

(1) Submittals applicable to this contract are marked with an "X."

(2) Submit information on or before submittal deadline.

(3) Transmit an electronic copy to Construction Management Technical Representative (CMTR) on site.

See next page for signature approvals.

Contract Number: WH-04-084 & WH-MM-609

Description: WH RWIS Site Modifications

This submittal register was developed and reviewed for applicability by:

J. C. ZEA

M&O Contractor Environmental Department

Date:

3/21/06

Date:

Concurrence by ACI Construction Manager