

# DEC HAZARDOUS WASTE (RCRA) PROGRAM REGULATION OF THE WEST VALLEY SITE

A PRESENTATION TO THE  
WEST VALLEY CITIZEN TASK FORCE  
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## PROGRAM HISTORY

- 1976 Resource Conservation and Recovery Act - including Subtitle C for Hazardous Waste (RCRA-C)
- 1978 State Industrial Hazardous Waste Management Act – established State Hazardous Waste Program
- 1980 RCRA-C Federal Regulations established
- 1984 Hazardous and Solid Waste Amendment – added corrective action

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## PROGRAM HISTORY (continued)

- 1985 State Regulatory Adoption of RCRA-C Program (6 NYCRR Part 370 series)
- 1986 USEPA delegated NYS Final Authorization of RCRA-C *Base Program*
- 1990 USEPA delegated NYS the Second Revised Authorization – this authorization included the radioactive mixed waste component

\* State regulations are continually revised in response to federal regulations revisions. Authorization amendments address these revisions

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## PART 373/RCRA PROGRAM COMPONENTS

- Manifest Requirements
- Fees
- Hazardous Waste Reduction
- Permits
- Financial Assurance
- Corrective Action
- Inspections

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## HAZARDOUS WASTE PROGRAM

### Treatment, Storage and Disposal (TSDF) Facility Types

- Interim Status TSDFs
- Final Status TSDFs
  - Commercial
  - Non-commercial

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## HAZARDOUS WASTE PROGRAM

### Who is subject to the HW (RCRA) program?

- 1) Facilities subject to an operating permit (Interim or Final Status TSDFs)
- 2) Facilities subject to corrective action only (Facilities that “protectively filed” a Part A application because they were not certain what was required and were subsequently given interim status – now they need to implement corrective action prior to losing their interim status)

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## **HAZARDOUS WASTE PERMIT PROCESS**

- 1) Facility files a Part A Application
  - 2) Department requests Part 373/Part B (Part 373/B) application submittal from facility
  - 3) Pre-application meeting for Part 373/B application
  - 4) Facility submits Part 373/B application to the Department & notifies public of availability for review
  - 5) Department reviews the Part 373/B application for Administrative and Technical Adequacy
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## **HAZARDOUS WASTE PERMIT PROCESS (continued)**

- 6) Department prepares a Technical Notice of Incomplete Application (TNIA), if necessary
  - 7) Facility responds to TNIA and revises Part 373/B application, if necessary
  - 8) Department reviews response and revised Part 373/B (repeat steps 5-8, as necessary)
  - 9) Department drafts a Part 373/B permit (or a denial)
  - 10) Facility public notices the Draft permit – public has 45 days to comment and/or request a hearing
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## HAZARDOUS WASTE PERMIT PROCESS (continued)

- 11) Public Hearing is held (Department can decide to hold a hearing without a public request)
  - 12) Department revises draft permit (or denial) to address comments received during the comment period and prepares a response to said comments
  - 13) Department issues the Final Status Part 373/B Permit (or denial) to Facility
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## CORRECTIVE ACTION

### Corrective Action

A process that includes all activities related to the investigation, characterization and cleanup of a release of hazardous wastes or hazardous constituents from a solid waste management unit (SWMU) at a permitted or interim status treatment, storage and disposal facility (TSDF) to any environmental medium (including groundwater).

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## CORRECTIVE ACTION

### Solid Waste Management Unit (SWMU)

Any discernible waste management unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of hazardous or solid wastes as those terms are defined in 6 NYCRR Part 371 and Subpart 373-2. These units include, but are not limited to: landfills, surface impoundments, waste piles, land treatment units, tanks, elementary neutralization units, transfer stations, container storage areas, incinerators, injection wells, recycling units, and closed and abandoned units. Certain areas associated with production processes which have become contaminated as a result of routine and systematic releases of wastes or hazardous constituents from wastes, are also considered SWMU(s).

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## CORRECTIVE ACTION PROCESS

- 1) RCRA Facility Assessment (RFA) – looks at existing information on environmental conditions and actual or potential releases
  - Preliminary Review
  - Visual Site Inspection
  - Sampling Visit – Work Plan and Report
  
- 2) RCRA Facility Investigation (RFI) – ascertains the nature and extent of contamination for releases identified during the RFA
  - Work Plan
  - Report

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## **CORRECTIVE ACTION PROCESS (continued)**

- 3) Corrective Measure Study (CMS) – identifies and evaluates different alternatives for a final remedial action
  - Study
  - Report
  
- 4) Corrective Measure Implementation (CMI) – detailed design, construction, operation, maintenance and monitoring of the final selected remedy

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## **CORRECTIVE ACTION PROCESS (continued)**

### Interim Corrective Measures (ICMs)

An ICM is a short term action taken to control ongoing risks while site characterization is under way or taken prior to selection of a final remedy. ICMs can be done by the facility or required by the Department either after the RFA or after the RFI.

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## **PART 373/RCRA PROGRAM at WEST VALLEY**

- **Permits**
  - Part A Applications filed in 1990 subjected the sites (WVDP and WNYNSC) to permitting and corrective action under Part 373
  - Interim Status – allowed Storage and treatment operations to continue until sites are closed under IS or are permitted
- **Corrective Action**
  - 3008(h) Order on Consent

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## **WVDP INTERIM STATUS UNITS**

- High Level Waste Tanks (Tanks 8D-1 - 8D-4)
- Integrated Radioactive Waste Treatment System (STS, LWTS and CSS)
- High Level Waste Vitrification Treatment Facility (Vit Facility)
- LAG Storage Building (LSB); LSAs #1 - #4
- Hazardous Waste Storage Lockers #1 - #4
- Fuel Receiving and Storage/High Integrity Container Area (FRS-HIC)
- Contact Size-Reduction Facility (CSRF)
- Remote Handled Waste Facility (RHWF)
- Interim Waste Storage Facility (IWSF)

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## WVDP PART 373/RCRA PERMITTING

- 1) West Valley files a Part A Application (filed in 1990)
- 2) Department requests Part 373/Part B (Part 373/B) application submittal (requested on July 16, 2003)
- 3) Pre-application meeting for Part 373/B application (held on Dec 2, 2004)
- 4) West Valley submits Part 373/B application to the Department and notify public that it is available for review (submitted Dec 28, 2004)
- 5) Department reviews the Part 373/B application for Administrative and Technical Adequacy (declared Administratively inadequate on Feb 3, 2005)

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## WNYNSC INTERIM STATUS UNITS

- Currently none – the mixed waste (hazardous waste with a radioactive component) that is stored in the regulated units became conditionally exempt from regulation in Sept 2005 under 6NYCRR 374-1.9

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## **INTERIM STATUS UNIT CLOSURE**

- 1) Facility notifies Department of intent to close unit and provides updated closure plan
- 2) Department reviews closure plan and provides comments to facility, if necessary
- 3) Facility addresses comments and revises plan, if necessary
- 4) Once plan is complete, Facility public notices availability of plan for public review and comment
- 5) Department receives comments and responds accordingly, including revising the plan

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## **INTERIM STATUS UNIT CLOSURE (continued)**

- 6) Department approves plan
- 7) Facility implements plan and provides Department with a Closure Certification
- 8) Department reviews Closure Certification and provides comments, if necessary
- 9) Department approves Closure Certification – the facility is no longer allowed to use the unit for any operation requiring a permit (e.g., storage)
- 10) Facility modifies Part A application to remove the closed unit

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## WVDP CORRECTIVE ACTION

- RCRA Facility Investigation (RFI)
  - RFI Work Plan
    - Prepared Spring 1993
    - Approved by EPA and NYSDEC – Sept 1993
  - RFI Report Volumes submitted Sept 1995 – July 1997
  
- Groundwater Monitoring Program
  - Program has been expanded and reviewed several times since 1989
  - Monitoring has been performed quarterly since 1996

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## WVDP CORRECTIVE ACTION

### (continued)

- Currently, there are 46 SWMUs
  - Most of these are either no further action (NFA) or only require continued groundwater monitoring
  - 5 of these require a Corrective Measures Study or CMS
    - NRC-Licensed Disposal Area (NDA)
    - Lagoon 1
    - Construction and Demolition Debris Landfill (CDDL)
    - Low-Level Waste Treatment System (Lagoons 2-5)
    - Sludge Demineralizer Ponds

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## WNYNSC CORRECTIVE ACTION

- RCRA Facility Investigation (RFI)
  - RFI Work Plan
    - Work Plan submittals were February and March 1993
    - Work Plan approved in March 1993
  - RFI Report Submitted and Approved in December 1994
  
- Groundwater Monitoring Program
  - 21 groundwater monitoring wells were installed in 1990
  - Monitoring performed biannually since 1996

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## WNYNSC CORRECTIVE ACTION (continued)

- Currently there are 6 SWMUs
  - Two of these are NFA
    - SWMU #25 (Inactive Scrap Material Landfill)
    - SDA-5 (Trench 14 Leachate Treatment Facility)
  - The other four require a CMS
    - SDA-1 (14 inactive LLRW Disposal Trenches)
    - SDA-2 (Inactive Lagoon)
    - SDA-3 (Northern Filled Lagoon)
    - SDA-4 (Southern Filled Lagoon)

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## THE RCRA FUTURE FOR WEST VALLEY

- Continue cleaning up the site
  - Interim Status unit closures
  - Perform necessary Corrective Action work (ICMs)
  
- Environmental Impact Statement
  - Anticipating DEIS to public by end of 2008
  - Anticipating DEIS will list Core Team developed Phased Decisionmaking Alternative as the Preferred Alternative
  - Anticipating working Ongoing Assessment Period into site permits

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## THE RCRA FUTURE FOR WEST VALLEY (continued)

- Work toward Final Permits
  - WVDP – Part 373 Operating permit (including)
    - Corrective Action – specifically corrective measure implementation
    - On-going Assessment Period needs/requirements
    - 30 year decision requirement
  - WNYNSC – Part 373 Corrective Action permit
    - On-going Assessment Period needs/requirements
    - 30 year decision requirement

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## **PUBLIC PARTICIPATION OPPORTUNITIES**

- Public Notice of IS Closure Plans
  - Public Notice of DEIS/FEIS
  - Public Notice of Record of Decision
  - Public Notice of SEQRA Findings
  - Public Notice of Draft Permits
  - Public Hearing on Draft Permits (if held)
  - Public Notice of Renewal Permits
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