
DEC RADIATION PROGRAM REGULATION OF THE WEST VALLEY SITE

A PRESENTATION TO THE
WEST VALLEY CITIZEN TASK FORCE

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By

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SCOPE OF PRESENTATION

- Agreement State Program
 - NYS Radioactive Materials Regulation
 - Radiation Regulation of the SDA
 - Brief History of Regulation of the SDA
 - SDA Permit Current Status
 - Opportunities for Public Involvement
 - Closure of the SDA
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NY - AN NRC AGREEMENT STATE

- NYS “Agreement” with AEC 10/15/62
- AEC (NRC) Relinquishes Certain Regulatory Authority For Radioactive Materials
- Federal Gov. Retains Authority for Fuel Cycle and Defense Facilities (NRC and DOE), Including the Spent Fuel Reprocessing at West Valley
- NYS Radioactive Materials Regulatory Authority Limited to SDA

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NYS RADIOACTIVE MATERIALS REGULATIONS

- DOH
 - Licenses Uses 10 NYCRR Part 16
 - Lead agency for emergency response
 - Focus is worker and public health
- DEC
 - Permits Discharges 6 NYCRR Part 380
 - Permits Transporters 6 NYCRR Part 381
 - LLRW Site Requirements 6 NYCRR Part 382
 - LLRW Site Operations 6 NYCRR Part 383
(<http://www.dec.ny.gov/regs/2491.html>)
 - Must Adopt NRC LTR 6 NYCRR Part 384
(<http://www.dec.ny.gov/chemical/296.html>)

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RADIATION REGULATION OF THE SDA

- DOH Use License
 - Formerly DOL License
- DEC Part 380 Permit
 - Formerly 3 permits
 - Monitor and Maintain Permit Active
(currently under renewal)
 - Leachate Tank Vent Air Permit Terminated
(Vent sealed)
 - Trench 9 Bio-Cover Permit Terminated
(Replaced with Membrane Cover)

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SDA REGULATORY HISTORY

- 1963 – NFS Waste Burial begins at SDA, as an Exemption to DOH 10NYCRR Part 16.4, & under a DOL Code Rule 38 Radioactive Materials License
- 1974 – DEC formed, adopts DOH Exemption as first SDA Part 380 Permit
- 1975 – Trenches “Bathtub”, ending disposals
- 1976 – NFS announces intent to surrender responsibility of site to NYSERDA

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SDA REGULATORY HISTORY

(continued)

- 1983 – NFS Responsibility for monitoring & maintenance of SDA transferred from NFS to NYSERDA on DOL License and DEC Permit
- 2006 - DOL License consolidated under DOH, who now licenses SDA for worker health and safety

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SDA 380 PERMIT REQUIREMENTS

- Site Security
- Emergency Response Plan
- Environmental Monitoring Plan
- Inspection of streams, slopes, and cap
- Quarterly and annual reports
- Reporting non-routine events

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380 PERMIT RENEWAL

- Monitor and Maintain Permit Currently Being Renewed for Another 5 Years
- Coordinated with SPDES Permit
- NYSERDA Currently Reviewing Draft Permit

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PROPOSED ENHANCMENTS TO SDA 380 PERMIT

- Enhance records retention & preservation
- Stormwater runoff analysis
- Formalize reporting of erosional impacts
- Erosion Monitoring Plan
- Erosion Control and Maintenance Plan

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PUBLIC INVOLVEMENT

- Uniform Procedures Act (UPA) – Establishes procedures and timeframes for agencies on filing and reviewing applications, public involvement, and reaching final decisions.
(<http://www.dec.ny.gov/regs/4486.html>)
- State Environmental Quality Review Act (SEQRA) – Equivalent to federal NEPA, it requires the assessment of magnitude of potential environmental impacts before issuance of permits or regulations, funding for projects, etc.
(<http://www.dec.ny.gov/public/6461.html>)

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UPA

- Uniform Procedures Act (UPA) establishes time limits for processing permit applications, modifications, or renewals
- Requires public participation for new permits
- Allows public participation for modifications and renewals
- Significant changes to SDA permit could be considered major action, require new permit

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SEQRA

- State Environmental Quality Review Act (SEQRA), applies to State/local gov't actions
- Must evaluate potential environmental impact
- If other agencies involved, determine lead. At West Valley, it has been NYSERDA.
- For Part 380, SEQRA review applies to:
 - New permits
 - Renewals or mods with increases to discharges
 - Or, if part of significant multiple permitting action
- Part 380 permit renewals are most often Type II Action, not subject to further SEQRA review

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FUTURE PUBLIC INVOLVEMENT

- Non-trivial physical changes to the SDA would require a permit modification
- This could be considered a material change and a major project
- Could be subject to public notice and comment, and potentially a hearing
- These actions might include:
 - Complete exhumation decision
 - Partial exhumation decision
 - Pilot exhumation action (not just a study)

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CLOSURE OF THE SDA

- Nothing in 380 requires closure
- NYSERDA currently determines whether to continue to maintain SDA under 380, or to formally close the site
- Parts 382 and 383 do not apply to the SDA, but conditions can be added to 380 permit
- Part 384 criteria will apply to the SDA
(Still under development)

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