To: West Valley Citizen Task Force
From: Bill Logue, Citizen Task Force Facilitator
Date: October 28, 2020
Subject: **Summary of the September 23, 2020 Meeting**

Next Meeting

Date & Time: **October 28, 2020 at 6:30 PM**
Location: Zoom

CTF Members and Alternates Attending

Clyde Drake, Heidi Hartley, John Hood, Tony Memmo, John Pfeffer, Pat Townsend, Ray Vaughan, Tim Zerfas. Facilitator: Loraine Della Porta.

Agency Participants and Observers

Department of Energy (DOE): Bryan Bower, Martin Krentz, Bethany MacNeill, Moira Maloney, Audrey Seeley.

New York State Energy Research and Development Authority (NYSERDA): Chris Andrzejewski, Paul Bembia, Janice Dean, Lee Gordon, Andrea Mellon, Jane Pietraszek.

CH2M HILL BWXT West Valley, LLC. (CHBWV): Joe Pillittere, Elizabeth Lowes, John Rendall, Doug Ruszczyk, Kelly Wooley.

New York State Department of Environmental Conservation: Pat Concannon, Lynn Winterberger.

Neptune and Company: Sean McCandless.

Public: Wayne Barber, Charlie Bowman, Diane D'Arrigo, Rick Miller, Shannon Seneca, Kelsey Shank, William Townsend. (Other dial in only callers not identified.)

Introductions, Announcements, Administrative Business

Bill Logue welcomed all present and reviewed the meeting agenda and materials[1]. There were no administrative updates.

CHBWV Project Update

Kelly Wooley of CHBWV presented a project update. He stated that the COVID safety measures were in place for Phase 2/enhanced controls and that the level of complexity of work has increased with the enhanced personal protective equipment (PPE). Sixty-nine employees continue to primarily telework. The remainder have returned to work onsite.

At the November 18 Quarterly Public Meeting (QPM) subject matter experts (SME) will present on Nitrocision decontamination and the demolition approach for the Main Plant Process Building (MPPB). At the February QPM SMEs are likely to present on MPPB characterization.

Safety. Worker safety and health remains a top priority. The site received the Voluntary Protection Program Star Award for 2019. As of August, the 12-month rolling average for Total Recordable Cases (TRC) is 0.0. Days Away, Restrictions, Transfers is at 0.0. The last TRC was March 20, 2019 and last Recordable injury March 27, 2019. This amounts to 680,637 safe work hours or 530 days.

Deactivation and Demolition Progress. Performance Based Incentive 1 (PBI#1) demolition and removal of the MPPB; deactivation of the MPPB is 85% complete. This status now includes the Fuel Receiving and Storage Facility, General Purpose Cell, and Vent Wash Room. PBI#2 includes other work under the contract including Balance of Site Facilities (BOSF), Surveillance and Maintenance and site operations; for BOSF, 44 of 46 facilities have been demolished and areas restored or 96% of the work completed.

Under PBI#1 Demolition of the Contact Size Reduction Facility, Manipulator Repair Shop, Laundry Facility, Utility Room, Utility Room Extension, and Main Plant Office Building are complete. The Load-In Facility will be

[1] Each is listed at the end of this summary and may be found at www.westvalleyctf.org

not be demolished until 2023 as it will be used for weather protection of equipment during MPPB demolition. Mr. Wooley showed pictures of the demolition progress for the Utility Room from start of work on July 6 through completion on August 26. Similar images were shown for the Acid Recovery Room Enclosure with demolition complete on September 10.

Final waste liner/drums from the General Purpose Cell (GPC) and GPC Crane Room is complete and shielded waste containers have been transferred to the Chemical Process Cell (CPC). The Vent Wash Room (VWR) has been grouted and foamed and a Polymeric Barrier System (PBS) has been applied to allow safe handling during removal of obstructions and cutting of an access wall opening.

Balance of Site Facilities (BOSF). Upcoming work includes completion of removal of CPC-Waste Storage Area gravel removal and restoration and removal of the Schoolhouse septic tank and well followed by restoration of the area.

A CTF member asked about the thickest concrete demolished to date, how this compares to MPPB walls with rebar and if a video of the demolition was available. A floor demolished in the Vitrification Facility was 3 feet thick; this is comparable to MPPB floors and walls which vary in thickness from 2 to 4 feet. The possibility of showing a video will be explored.

DEC Hazardous Waste (RCRA) Program – Regulation of the West Valley Site

Lynn Winterberger, Permitting Section Chief from the New York State Department of Environmental Conservation (DEC), presented on the hazardous waste program under the Resource Recovery and Conservation Act (RCRA). She noted some delays have occurred in DEC reviews due to the pandemic. She noted that although there may be hazardous waste mixed with radioactive constituents, the purview of the DEC RCRA program applies only to the hazardous wastes. Comments to NYSDEC on the closure plan for the Analytical and Process Chemistry Hot Cells within the Main Plant Process Building are due October 26. [Note: Following the meeting Mrs. Winterberger noted that per an October 16 request that DEC extended the comment period to November 19. **https://www.dec.ny.gov/enb/20201021_not9.html**]

Mrs. Winterberger reviewed the legislative history and regulatory components of the program since it was established in 1976 by the federal government and how the US EPA has delegated aspects to DEC. She then focused on Part 373 components (manifest requirements, fees, hazardous waste reduction, final assurance, corrective action and inspections), Treatment, Storage and Disposal Facility Types (TSDF) which include interim status and final status (commercial and non-commercial) and who is subject to the RCRA program. She noted the Part 373 permit aspects that apply to the site and that a Part A permit application can be modified at any time – in most instances due to a change in capacity.

Ms. Winterberger reviewed the list of Interim Status (IS) Units at the West Valley Demonstration Project (WVDP). The delineation of units is determined by an assessment of where the break points are (start and end for things such as piping). The WVDP Units are:

- High-Level Waste Tanks (Tanks 8D-1, 8D-2, 8D-3, and 8D-4)
- Integrated Radioactive Waste Treatment System (STS, LWTS and CSS)
- High-Level Waste Vitrification Treatment Facility
- LAG Storage Additions #2, #3, and #4
- Tank & Vault Drying System (T&VDS)
- Contact Size-Reduction Facility (CSRF)
- Remote-Handled Waste Facility (RHWF)
- High-Level Waste Interim Storage Facility (HLWISF)
- Analytical & Process Chemistry Hot Cells #s 1 through 5 (closure plan currently out at public notice until Oct 26, 2020)
- Fuel Receiving and Storage/High Integrity Container Area (FRS-HIC) (filed; not used)
- Liquid Solidification System (protectively filed; not constructed)
- STS Valve Aisle Decontamination System (protectively filed; not constructed)
- Chemical Process Cell-Waste Storage Area (closure certification report in NYSDEC review)

Unit Closure Process. The steps for a Part 373/RCRA unit closure were reviewed. In brief, the facility notifies

DEC of the intent to close and files a plan which DEC reviews and provides comments. This may continue in several cycles until a plan is complete at which point it is released for public comment. Once DEC receives comments and responds, the plan may be revised to address applicable public comments before being approved by the Department for implementation. The closure plan is then implemented and the facility provides DEC with a closure certification report. DEC reviews and comments, if necessary, on the certification report. If necessary, the closure certification report is revised. Once the closure certification report is approved the unit may no longer be used for hazardous waste storage that requires a permit. The facility usually modifies the Part A application to remove the unit but if several closures are happening, this may be delayed to account for all unit closures in one Part A application modification.

Corrective Action Process. Mrs. Winterberger reviewed the Part 373/RCRA Corrective Action process. This involves the investigation (RFI), characterization and cleanup of a release of hazardous waste from a Solid Waste Management Unit (SWMU). The basic steps include a facility assessment of the existing information on environmental conditions (this may include a visual site inspection and sampling visit), facility investigation to ascertain the nature and extent of contamination releases, a corrective measures study (CMS) with alternatives for remedial action, and corrective measures implementation. Interim Corrective Measures may be put in place in the short term while a site characterization is underway.

WVDP Corrective Action. The RFI Work Plan for WVDP was submitted and approved in 1993, the groundwater monitoring program has been expanded and reviewed since 1989 with quarterly monitoring since 1996. There are currently 47 SWMUs. Most require no further action or only groundwater monitoring. Five require a CMS: NRC-Licensed Disposal Area (NDA), Lagoon 1, Construction and Demolition Debris Landfill (CDDL), Low-Level Waste Treatment System (Lagoons 2-5), and Demineralizer Sludge Ponds.

WNYNSC. The Western New York State Nuclear Service Center (WNYNSC) does not have any units subject to interim status due to the mixed waste conditional exemption in 6 NYCRR 374-1.9. The RFI for the WNYNSC was submitted and approved in 1994 and the Groundwater Monitoring Program had 21 wells installed in 1990 and monitoring performed biannually since 1996. There are currently 6 SWMUs at the WNYNSC, 2 are "no further action" and 4 require CMS (14 SDA trenches, inactive lagoon, northern filled lagoon and southern filled lagoon).

Going Forward. The site will continue to operate under Interim Status during Phase 1 with Part A permit application updates and interim corrective measures or corrective measures studies as necessary. Closure of the remaining RCRA IS units will be move forward, some of this will be addressed within the Draft and Final Supplemental EIS and Record of Decision Anticipated in 2023. Future public participation opportunities include:

- Public Notice of IS Closure Plans
- Public Notice of Draft SEIS/Final SEIS
- Public Notice of Record of Decision
- Public Notice of SEQRA Findings
- Public Notice of Corrective Measures Study (Statement of Basis)
- Public Notices for Draft Permits as applicable

Plans are not released for public comment until DEC determines that they meet the regulatory requirements, the final revision is released for public comments. Often times, closure plans are revised in-house to keep current with regulations and operations, this is why a high revision number on the plan is so confusing to the public. If public comments warrant a revision, then the facility revises the plan and DEC review the changes and approves it. For closure, an independent, registered New York State licensed professional engineer must review and certify, using the certification required under 6 NYCRR 373-1.4(a)(5)(iv), often referred to by DEC staff as the "death clause." This same certification is required with any submittal.

Mrs. Winterberger responded to questions. She stated that she had no knowledge of wastes related to solvents used to separate plutonium prior to 1976 or what regulations may have been in place at that time. DEC will work with DOE and NYSERDA on certain SEIS issues and will comment on the Draft SEIS in a similar fashion to the public. Janice Dean, counsel to NYSERDA, noted that DEC played a role in SEIS scoping and submitting comments and had an open door to speak with the lead agencies and has a formal role under the Stare Environmental Quality Review Act (SEQRA). Ms. Dean also noted the ability of the public to request copies of

comments under Freedom of Information statutes and regulations.

A question was asked about computer modeling in determination of closure plans. Ms. Winterberger noted that DEC does not do computer modeling because samples are taken to ensure that there are no detectable constituents of concern in soil and water. If the non-detect levels are reached, closure is approved. If hazardous materials are detected then the area may be monitored in perpetuity, this would depend on the results. Also in response to a question, she noted that human health risk concerns for any hazardous waste residuals, including the "bathtub ring," in the tanks is currently dwarfed by the high levels of radioactivity in the tanks. RCRA timeframes for future monitoring is based on 30 years, in perpetuity, if necessary. Currently the DEC RCRA program does not use either 100- or 1000- year views.

NYSERDA Trench 14 Leachate Elevation Update and Path Forward

Andrea Mellon of NYSERDA provided an update on Trench 14 leachate elevations in the State-Licensed Disposal Area (SDA). She oriented the group to the location of the SDA and its trenches. Throughout the presentation she showed graphs, schematics and maps to illustrate the points.

In the early 1990s the leachate levels in several trenches began to rise. She reviewed the interim measures (IM) taken including construction of a slurry wall and installation of geomembrane covers. The leachate elevations decreased after the measures were completed until the early 2000's when three trenches (Trenches 1, 3 and 14) began to increase. None of the increases impacted public health or safety or the environment.

During this time three investigations were undertaken to identify potential groundwater flow paths for the three trenches. In 2016 additional piezometers. were installed to measure groundwater and leachate elevations. These investigations eliminated concerns regarding leachate levels in trenches 1 and 3 and determined that the north end of Trench 14 contained a potential flow pathway through a post glacial organic/peat layer. The area is located in a kettle hole identified through historic photos and the peat varies in depth from a few inches to up to 8 feet. Following identification of this area, additional Piezometers were installed in 2018.

Ms. Mellon then described the mitigation alternatives recommended by the contractors for Trench 14. The first step is to eliminate surface water from the NRC-Licensed Disposal Area (NDA) Hardstand that flows south into Trench 14. This will be done with a geomembrane cover topped with gravel and soil. Second a sheet-pile subsurface wall perpendicular to the existing barrier wall will be installed to cut off the organic/peat layer permeable flow path into Trench 14. Work will begin in the spring when temperatures will be sufficient for welding of the geomembrane cover seams. The effectiveness of these measures will be monitored going forward.

Following the meeting Ms. Mellon responded to a question raised at the meeting by informing the CTF that the precipitation design basis for the XR-5 geomembrane for the NDA hardstand and the subsurface sheet pile wall included an evaluation of both the NDA and SDA stormwater systems. The evaluation concluded that the revised capacity after completion of this Interim Control Measure is sufficient to manage a 25-year storm event. Should the area receive greater than a 25-year storm event, the additional storm water will flow to the north into the constructed Lagoon Road Creek articulated concrete mat area specifically designed to help dissipate storm water flow into Lagoon Road Creek.

Mr. Bower answered a question stating the NDA slurry wall blocks the groundwater flow pathway north into the NDA.

Other Business

After discussion, an ad hoc workgroup was established to hold a call on whether to comment on the closure plan for the Analytical and Process Chemistry Hot Cells within the Main Plant Process Building.

Observer Comments

There were no observer questions.

Action Items

Action	Who; When
Schedule Ad Hoc Work Group Call	Logue
Precipitation design basis for Trench 14 corrective measures	NYSERDA

Meeting Documents Available on the CTF Website

Description	Generated by; Date
Meeting Agenda	Logue; 9/23/20
CHBWV Project Update	CHBWV; 9/23/20
NYSDEC RCRA Presentation	NYSERDA; 9/23/20
NYSERDA Trench 14 Leachate Elevation Presentation	DOE; 9/23/20
News Clippings Since the Last Meeting	NYSERDA; 9/23/20