DEC HAZARDOUS WASTE (RCRA) PROGRAM

REGULATION OF THE WEST VALLEY SITE

A PRESENTATION TO THE
WEST VALLEY CITIZEN TASK FORCE
September 23, 2020

NEW YORK STATE | Department of Environmental Conservation

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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 (continued)

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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PART 373/RCRA PROGRAM at WEST VALLEY

There are three Part 373/RCRA Program areas associated with the two West Valley sites

- Permit Related Activities
- Closure Related Activities
- Corrective Action Related Activities

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PART 373/RCRA Permit Related

- Part A Applications filed in 1990 subjected the sites (WVDP and WNYNSC) to permitting under Part 373
  - Current Part A Application was approved in April 2011
- Interim Status (IS) – allows storage and treatment operations to continue until sites are closed under IS or are permitted
  - Also allows for closure of individual units

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WVDP INTERIM STATUS UNITS

- 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)

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WVDP INTERIM STATUS UNITS (continued)

- 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)

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PART 373/RCRA IS UNIT CLOSURES

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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PART 373/RCRA IS UNIT CLOSURES (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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PART 373/RCRA 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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PART 373/RCRA CORRECTIVE ACTION (continued)

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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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 47 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)
    - Demineralizer Sludge Ponds

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WNYNSC INTERIM STATUS (IS) 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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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 to operate under Interim Status during Phase 1
  - Continue Phase 1 Interim Status unit closures
  - Update Part A Permit as necessary
  - Perform ICMs as necessary
- Closure of Remaining RCRA Units to be Coordinated
  - Anticipating Draft Supplemental Environment Impact Statement (SEIS) issued for comment by end of 2022
  - Final SEIS approved and Record of Decision issued in 2023

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PUBLIC PARTICIPATION OPPORTUNITIES

- 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

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QUESTIONS?

- CTF Members
- Public Participants, if time allows

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Thank You

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