

To: West Valley Citizen Task Force  
From: Bill Logue, Citizen Task Force Facilitator  
Date: May 23, 2021  
Subject: **Summary of the April 28, 2021 Meeting**

## **Next Meeting**

Date & Time: **June 23 2021 at 6:30 PM**  
Location: Zoom

## **CTF Members and Alternates Attending**

Charlie Davis, John Eberth, Lee James, Kathy McGoldrick, Tony Memmo, Joe Patti, John Pfeffer, Pat Townsend, Ray Vaughan, Eric Wohlers. Facilitators: Bill Logue & Loraine Della Porta.

## **Agency Participants and Observers**

**Department of Energy (DOE):** Bryan Bower, Patrick Heflinger, Moira Maloney, Bethany MacNeill, Audrey Seeley.

**New York State Energy Research and Development Authority (NYSERDA):** Paul Bembia, Janice Dean, Brad Frank, Lee Gordon, Andrea Mellon, Peter Vlad.

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

**New York State Department of Environmental Conservation:** Pat Concannon, Ken Martin.

**Neptune and Company:** Sean McCandless.

**Public:** Charles Bowman, Edyta Chorostkowska, Diane D'Arrigo, Joanne Hameister, Lisa Maybee, Rick Miller, Paul Roth, Charlotte Salmon, Kelsey Shank, Michael Thomas, William Townsend, Barbara Warren, Jay Wopperer. (Other dial-in only callers not identified.)

## **Introductions, Announcements, Administrative Business**

Bill Logue welcomed all present and reviewed the meeting agenda and materials<sup>1</sup>. The group welcomed back Charlie Davis who will be representing the West Valley Central School Board and John Eberth representing New York State Senator George Borello. Bryan Bower informed the CTF that a federal budget request had been submitted but the details for the West Valley Demonstration Project (WVDP) were not yet available. When they are the CTF will be briefed.

## **CHBWV Project Update**

Kelly Wooley of CHBWV presented a project update.

**Safety.** Mr. Wooley reviewed safety information, the Total Recordable Case rate is 0.40 and Days Away Restricted or Transferred is 0.00. Through March 31 there have been 742 days without a lost time accident or illness.

**COVID-19, Deactivation Work and President Biden's Executive Order.** Mr. Wooley reviewed the impacts of Executive Order 13991 concerning COVID-19 safety protocols and the associated delays in work over the last 12 months. Increased masking requirements were put in place and implementation of a 25% occupancy goal based on the rate of spread in Western New York. The spread rate trend down which is promising for the resumption of work.

Main Plant Process Building (MPPB) deactivation that cannot be socially distanced was suspended due COVID safety protocols. Paused work includes: Product Purification Cell South (PPC-S), General Purpose Cell (GPC), Vent Wash Room, Chemical Process Cell/Chemical Operating Aisle.

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<sup>1</sup> Each is listed at the end of this summary and may be found at [www.westvalleyctf.org](http://www.westvalleyctf.org)

**Deactivation and Demolition Progress.** Mr. Wooley reviewed the project scope of work and showed graphics of MPPB work completed and planned. Operators have been testing a new concrete former that will be used to construct berms for the water management system to be used during the MPPB demolition. As part of the water management system the water will be piped to the tanks for sampling, treatment and disposal. Workers exposed pipe joints in trenches and successfully pressure tested them for leaks. The pipe trenches are being backfilled. A presentation about the system will be conducted at the May 24 Quarterly Public Meeting. A CTF member asked that the presentation address whether the pumps would be suction or induction. In response to an observer comment Mr. Wooley stated that the berm was evaluated for capacity and fluid pressure from an intense rainstorm or significant snow melt.

Inside the MPPB workers installed a tent above the Vent Washroom to maintain contamination control and isolate the ventilation while ductwork is being cut. Additional materials were removed from the MPPB and lowered from the control room roof and off-gas cell roof by crane into intermodal containers for disposal.

**Balance of Site Facilities (BOSF).** Forty-four of 46 BOSF have been removed and areas restored with few other changes. Work is complete for the gravel removal and restoration of Chemical Process Cell-Waste Storage Area and removal of the Schoolhouse septic tank. Upgrades continue in preparation for water management during MPPB demolition. Site drainage and road work continues. Drum Cell modification are being made to support MPPB waste shipment. Additional upcoming work includes removal of the Schoolhouse well and restoration of that area.

At the May 24 Quarterly Public Meeting details will be provided on MPPB demolition water management and the offsite air monitoring.

Responses to CTF questions: Mr. Wooley stated that the video of real-time demolition of thick concrete walls is going through the approval process.

## **Report from Ad Hoc Advocacy Work Group**

**Cancer Study.** At a future meeting the CTF will discuss the possibility of advocating for a community cancer study. A member noted the small population base made such studies difficult.

**Funding.** Letters to the New York congressional delegation, congressional appropriations committees and DOE leadership advocating for funding for WVDP are being drafted by John Hood and Kathy McGoldrick and will be circulated by email to the group consideration. Following the letter Zoom meetings may be requested and perhaps a visit to Washington planned when COVID protocols ease. A member noted that the West Valley Demonstration Project Reauthorization Act sunsets in 2026 and the group should anticipate this and attend to reauthorization several years in advance.

**TRU Waste.** A draft letter on disposal of TRU was discussed. Following the discussion, the group agreed to circulate a revised draft. During discussion the following points were made:

- CHBWV will review the letter and provide information to ensure it is technically accurate, e.g., that a container that was moved had waste in it.
- Paul Bembia noted that 40CFR191 is an EPA regulation.
- Paul Bembia clarified that the issue of disposal of WV TRU waste at WIPP is not a lack of space. The GAO report identified that disposal at WIPP is not an option today because the WIPP Land Withdrawal Act limits disposal to defense waste, and DOE considers WV waste to be commercial waste. This is an issue the GAO Report identified as needing to be addressed by Congress.
- The letter will emphasize the economic and other impacts on the community due to the waste remaining onsite and the associated increased cost to the site for security using funds that could be directed at other cleanup work.
- A member noted that the WVDP Act does not cover some types of waste. The question of interpretation and the definition of “defense waste” and how it applies to high-level waste and the implications for cost/payment and disposal pathways was discussed. All agreed of the need to request congressional action to legislatively resolve the issue as was raised in the Government Accountability Office report. DOE interprets the definition of defense waste to not include TRU

waste from the site. NYSERDA presented their position to the CTF on the issue in 2017<sup>2</sup>. Mr. Bembia and Mr. Bower agreed that the GAO report laid out the issues clearly. Many CTF members expressed the strong opinion that the cleanup and removal need to occur.

### **CTF Discussion of 1998 Final Report**

The CTF reviewed sections III and IV of their 1998 Final Report by paragraph. They agreed that the report should stand as is and that an addendum be drafted clarifying or updating a number of paragraphs. A group will draft a suggested addendum. What follows are brief notations on those paragraphs to be addressed. The Final Report, where the existing language section and paragraph numbers can be found, is available at [http://westvalleyctf.org/1998\\_Report/CTF\\_Final\\_Report.pdf](http://westvalleyctf.org/1998_Report/CTF_Final_Report.pdf) (Note: Where applicable observer comments made through chat have been inserted.)

#### **Section III CTF Policies and Priorities**

III.2. Tony Memmo will review the paragraph and the supporting resolution with Seneca Nation Tribal Council to determine if they would like supplemental language in the addenda.

III.3. Supplemental language to address more severe weather events, climate change and potential population increases in the region as a result of climate change.

III.4. Supplemental language should note that the CTF feels that no evidence has come to light about the suitability of the site and the CTF sees no reason to reconsider its opinion as referenced in the final sentence which reads: “The CTF may reconsider its opinion of site suitability if new evidence based on site characterization is presented to the CTF in the near future.” An observer commented that language improvement was particularly warranted in light of high-level and TRU waste.

III.9. An observer commented that a hot cell might be needed to repackage wastes to protect worker safety. Mr. Bower stated that there were several facilities on-site to repackage wastes, both contact and remote handled. He stated that if the full removal alternative is selected the FEIS stated the facilities that would need to be constructed and this would be addressed in the Supplemental EIS.

#### **Section IV CTF Guidelines for Preferred Alternatives**

The CTF discussed the difference between site managers notifying the public of some cleanup activities as opposed to completion to the final status. The discussion clarified that for activities such as waste shipment for some types of materials security precautions restrict public notice. The original members clarified that the language in the section applied to the notice concerning final status.

IV.8. In other parts of the discussion Mr. Bembia noted that the Consent Decree between New York State and the Department of Energy specifies how costs will be allocated between the agencies for most facilities, regardless of the alternative selected. The CTF will consider a supplemental notation referencing the Consent Decree.

IV. 9. It was suggested that the CTF add supplemental language concerning expectations for continued funding. An observer suggested that in addition to onsite monitoring that off-site monitoring be included.

IV.12. The CTF discussed the roles of local, county and Seneca Nation in emergency response. The group will consider supplemental language to include the Seneca Nation more explicitly and address funding for training of emergency responders.

IV.13. In reviewing this paragraph, the members expressed appreciation that work was being done safely.

The facilitator asked members to email any suggested language and committed to compiling it.

### **Other Discussion and Comment**

Kathy McGoldrick noted that her constituents had a number of questions concerning the TRU waste. She will send them to Mr. Bower and the best method for response and venue will be discussed.

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<sup>2</sup> [http://westvalleyctf.org/2017\\_Materials/03/2017-03-22\\_NYSERDA\\_Waste\\_Classification\\_Presentation.pdf](http://westvalleyctf.org/2017_Materials/03/2017-03-22_NYSERDA_Waste_Classification_Presentation.pdf)

## **Observer Comments**

In response to observer questions during the discussion of the Final Report, Mr. Bembia noted the areas and facilities that comprise the West Valley Demonstration Project and Western New York Nuclear Service Center.

A member of the press asked if any CTF members were not recommending the removal of all wastes. A member who participated in drafting the 1998 Final Report stated that at the time the site was not characterized – one of the stumbling points concerning whether anything could be left or not. They went on to note that there might be some areas that do not need to be cleaned up immediately, but they should be cleaned up as part of the final action. At the evening's meeting there was consensus that full cleanup was desired.

An observer suggested that a presentation be made about Strontium-90 in sediments behind the Scoby Hill Dam. Several members noted that it would be good to have the site managers provide some information and that the Army Corps of Engineers and Seneca Nation were the primary oversight authorities of the dam area. In response to an observer question about Strontium-90 migrating off-site, Mr. Gordon of NYERDA chatted that there was a small portion of the plume not "captured" by the permeable treatment wall. This is commonly referred to as the "orphan" area of the plume. This portion of the plume of Sr-90 continues to migrate downgradient and is detected in groundwater seeps on the edge of the North Plateau. The Annual Site Environmental Report details this, including that Sr-90 is at non-detect levels down at the outlet of Buttermilk Creek. See 2019 ASER starting on P 2-9.

## **Action Items**

<b>Action</b>	<b>Who; When</b>
Compile Final Report Supplemental Language suggested by CTF members	Logue
Work with drafters of letters on funding and waste disposition	Logue

## **Meeting Documents Available on the CTF Website**

<b>Description</b>	<b>Generated by; Date</b>
Meeting Agenda	Logue; 4/28/21
CHBWV Project Update	CHBWV; 4/28/21
News Clippings Since the Last Meeting	NYSERDA; 4/28/21