

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 9

270 Michigan Avenue, Buffalo, New York 14203-2915

Phone: (716) 851-7165 · Fax: (716) 851-7168

Website: www.dec.ny.gov



Joe Martens
Commissioner

March 13, 2015

Ms. Andrea Mellon
NYS Energy Research and Development Authority
West Valley Site Management Program
9030-B Route 219
West Valley, New York 14171-9500

Dear Ms. Mellon:

RADIATION CONTROL PERMIT AMENDMENT WEST VALLEY NUCLEAR SERVICES DEC PERMIT ID 9-0422-00011/00011

At the request of Mr. Kenneth Martin of our Division of Environmental Remediation, we have made correction to Permit Condition Number 2 from the renewal permit issued on October 14, 2014 for the above-noted facility.

Specifically, we have changed the date of the "tied-down Site Description for the New York State-Licensed Disposal Area" from April 30, 2009 to April 21, 2014 to reflect the correct information that this Department received from Mr. Paul Bembia on April 21, 2014. Please include the updated Site Description in the "tied-down" document for this permit.

No other changes have been made to the permit. All other permit conditions remain as originally written. The expiration date of the permit remains as 10/13/2019.

We have enclosed an updated version of the permit for your convenience. If you have questions regarding this letter, please contact Ms. Denise Matthews, of my staff, at (716) 851-7165.

Sincerely,

David S. Denk
Regional Permit Administrator

DSD:dcm

Enclosure

ecc: Captain Frank Lauricella, NYSDEC, Division of Law Enforcement
Mr. Kenneth Martin, NYSDEC, Division of Environmental Remediation, Region 9
Mr. Timothy Rice, NYSDEC, Division of Environmental Remediation, Albany
Mr. Paul Bembia, NYSERDA
Mr. Hal Brodie, NYSERDA
Mr. Douglas Coble, NYSERDA
Ms. Jennifer Dundas, USDOE
Ms. Moira Maloney, USDOE



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

NYS ENERGY RESEARCH & DEVELOPMENT
AUTHORITY
17 COLUMBIA CIR
ALBANY, NY 12203-6399
(518) 862-1090

Facility:

WESTERN NEW YORK NUCLEAR SERVICE
CENTER
10282 ROCK SPRINGS RD
WEST VALLEY, NY 14171-9799

Radiation Permitting Facility Owner Contact:

ANDREA MELLON
WESTERN NEW YORK NUCLEAR SERVICE
CTR
10282 ROCK SPRINGS RD
WEST VALLEY, NY 14171-9799
(716) 942-9960

Radiation Safety Officer:

DOUGLAS COBLE
WESTERN NEW YORK NUCLEAR SERVICE
CTR
10282 ROCK SPRINGS RD
WEST VALLEY, NY 14171-9799
(716) 942-9960

Facility Location: in ASHFORD in CATTARAUGUS COUNTY

Facility Principal Reference Point: NYTM-E: 199.971 NYTM-N: 4705.969
Latitude: 42°26'52.8" Longitude: 78°38'53.7"

Project Location: State Licensed Disposal Area, between Bond Rd and Fox Valley Rd.

Authorized Activity: Monitoring and maintenance of the State-Licensed Disposal Area (SDA), a former low level radioactive waste burial site, for the purpose of maintaining site integrity to control discharges and minimize the potential for release of radioactive materials to the environment. The SDA is part of the Western New York Nuclear Service Center. This permit replaces all previous conditions and modifications of the Part 380 SDA Land Burial Facility Monitoring and Maintenance Permit in their entirety.

Permit Authorizations

Radiation Control - Under Articles 1, 3, 17, 19, 27 & 37

Permit ID 9-0422-00011/00011

Renewal

Modification # 1

Effective Date: 10/14/2014

Effective Date: 3/13/2015

Expiration Date: 10/13/2019

Expiration Date: 10/13/2019



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: DAVID S DENK, Regional Permit Administrator
Address: NYSDEC REGION 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NY 14203 -2918

Authorized Signature: _____

Date 3/13/2015

Distribution List

ANDREA MELLON
DOUGLAS COBLE
NYSDEC Division of Law Enforcement
NYSDEC Division of Environmental Remediation, Region 9
NYSDEC Division of Environmental Remediation, Albany
NYSERDA
USDOE

Permit Components

RADIATION CONTROL PERMIT CONDITIONS
GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

RADIATION CONTROL PERMIT CONDITIONS

1. Monitoring & Maintenance of SDA Except as specifically provided otherwise in this permit, monitoring and maintenance activities for the SDA must be performed in accordance with the statements, representations and procedures contained in the documents listed in Radiation Control Permit (RCP) Condition 2, including any enclosures and those listed below:

Letter dated April 21, 2014 from Paul Bembia to Douglas Borschel "Request to Renew Radiation Control Permit #137-6, NYSDEC Permit Number 9-0422-00011/00011" and the enclosure "Radiation Control Permit Renewal Application for the State-Licensed Disposal Area"



The New York State Department of Environmental Conservation 6 NYCRR Part 380 regulations shall govern unless the statements, representations and procedures in the application and correspondence are more restrictive than the regulations.

2. Revision Approvals Any revisions of the documents listed below must be submitted to the Department for review and written approval prior to implementation. Approval of a revision to any of these documents shall supersede all prior versions of that document.

"Site Description for the New York State-Licensed Disposal Area (SDA)" dated 4/21/14

"SDA Building Description" OPS505.03, dated 4/21/14

"SDA Infiltration Controls Description" OPS508.02, dated 4/21/14

"Groundwater Monitoring Plan for the State-Licensed Disposal Area (SDA) at West Valley" ENV502.05, dated 4/21/14

"Leachate Monitoring Plan for the State-Licensed Disposal Area (SDA)" ENV501.05, dated 4/21/14

"SDA Security Plan" OPS503.05, dated 12/14/11

"Discharge Minimization Program for the West Valley Site Management Program" SDA-RPP023.01, dated 10/11/13

"Regulatory Reporting Requirements for Routine SDA Reports," dated 8/28/02

"Emergency Response Plan for the West Valley Site Management Program" submitted to the Department ER100.09, dated 4/21/14

Note: Changes to Appendix C-1 "NYSERDA Emergency Contact List" are not subject to implementation. Any such changes must be submitted to the Department for inclusion in the Emergency Plan.

"Erosion Monitoring Plan (EMP)" ENV509.01, dated 4/21/14

"Erosion Control and Maintenance Plan" OPS511.01, dated 4/21/14

Changes to the above plans and procedures including, but not limited to, changes in administrator, contact names or telephone numbers may be deemed administrative changes and may not necessitate a modification of this permit. Upon the discretion of the Department significant changes to any of the documents listed above may necessitate a permit modification. Revisions to related plans, procedures, or descriptions provided in documents not listed above must be reported to the Department within 30 days of their implementation.

3. Security Requirements New York State Energy & Research Development Authority (NYSERDA) must provide security for the SDA sufficient to:

(a) control access to, and use of, the SDA at all times,

(b) minimize the potential for the inadvertent or unauthorized entry of persons or animals onto the SDA, and

(c) prevent unauthorized removal of radioactive materials from the SDA.

4. Security Measures NYSEDA must provide security measures for the SDA that, at a minimum, must include:

(a) a fence or other barrier that completely surrounds the SDA and is capable of preventing unauthorized entrance,

(b) a means to control entry at all times, through gates or other entrances to the SDA,

(c) a vehicle(s) for accessing, patrolling, and controlling the SDA,

(d) a means of detecting intruders,

(e) a means of response to an intruder sufficient to prevent any potential intrusion into, or breaching of, the waste disposal trenches, and

(f) signs at each entrance to the SDA that are legible from a minimum distance of 25 feet which contain a warning that entry is permitted only for properly trained or escorted individuals, and that radioactive waste is present at the SDA.



5. Radioactive Material Releases While there are no anticipated releases of radioactive material to the environment, any such releases must be maintained as low as reasonably achievable. Any radioactive material released to the environment from the SDA must not result in a total effective dose equivalent exceeding 25 millirem per year to a member of the public.

6. Retention/Preservation of All Records NYSERDA must retain and preserve all records now in its possession that pertain to SDA burial operations conducted during the period of active disposal (1963-1975).

7. Maintain Records for Containment of Waste NYSERDA must retain all records generated for the purpose of containment of wastes within the SDA, preventing inadvertent intrusion, detecting releases from the trenches, emergency response, or site security, until such time as the Department determines that a permit is no longer required for the SDA.

8. Transfer of Records Prior to Permit Termination Prior to termination of the permit, all records required to be retained by Part 380 or the conditions of this permit must be transferred to the Radiological Sites Section and Region 9 of the Department, at the addresses listed in RCP Condition 13 below.

9. Provide Copies of Records Upon request, NYSERDA must submit, within a time frame specified by the Department, copies of records required to be kept by Part 380, this permit, and any relevant information needed by the Department to determine compliance with the permit.

10. Requests for Temporary Changes to Monitoring & Inspection The Department will entertain requests from NYSERDA for temporary changes to required monitoring and inspection activities. Department approval of such requests will take the form of an approval letter. All such requests must satisfy the following criteria:

- (a) The specific monitoring or inspection condition for which a temporary change is being requested is clearly described. This description must include reference to the special condition number, or approved site plan or procedure, as it appears in the permit.
- (b) The reason for the request is clearly detailed. The only acceptable reasons are those that address health and safety concerns, or circumstances where site monitoring and maintenance activities could not be performed safely or effectively if performed as specified in the permit.
- (c) The time period for which the change is being requested is clearly defined and is limited to only the amount of time necessary to accomplish the task described, and must not extend beyond the period of time when the hazard prompting the request exists.
- (d) Every reasonable effort has been made to identify alternative means for meeting the requirement for which a temporary change is being requested. The options reviewed during this process must be described in the request and the reasons for accepting or rejecting each one summarized.

11. Aliquots of Samples Upon Department request, NYSERDA must provide aliquots (splits) of any monitoring or confirmatory samples collected, provided that adequate sample volume exists.

12. Storm Water Runoff Sample Collection NYSERDA must collect samples of storm water runoff from the exposed geomembrane cover on the SDA and analyze them by gamma spectroscopy and for gross alpha and gross beta, and Tritium (H-3) content. These samples are to be collected at the sampling frequency and locations specified in the SDA State Pollutant Discharge Elimination System Permit. Samples are to be handled and data is to be processed as described in the NYSERDA procedures that support environmental monitoring at the SDA.



13. Quarterly and Annual Report Submissions NYSERDA must submit quarterly and annual reports as specified in Regulatory Reporting Requirements for Routine SDA Reports referenced in RCP Condition 2 above.

- (a) The quarterly reports must also include the data generated to satisfy Condition 12 above, including the required comparison with background concentrations.
- (b) The annual report must also include:
 - (i) the results of walkover inspections, and
 - (ii) the annual elevation survey of the North Slope of the SDA.
- (c) The annual report must also include the following information collected pursuant to the Erosion Monitoring (EM) Plan:
 - (i) quantitative measurements of erosion features, as defined in the EM Plan,
 - (ii) photographs, as defined in the EM Plan, and
 - (iii) any updates to the topographic map of the land surface of the SDA and adjacent slopes and stream channels as required by the EM Plan.

All reports must be submitted to:

Radiological Sites Section, 11th Floor
NYS Department of Environmental Conservation
Division of Environmental Remediation
Remedial Bureau A
625 Broadway
Albany, NY 12233-7255

-and-

NYS Department of Environmental Conservation
Division of Environmental Remediation, Region 9
Environmental Remediation Engineer - Southern Section
270 Michigan Ave
Buffalo, NY 14203-2915

14. Report of Significant Erosional Impacts NYSERDA must report any significant erosional impacts to the SDA, the surrounding slopes (including any survey results showing changes in the north slope elevations indicative of the slope instability, defined as greater than 6 inches of elevation change since the last survey) or the adjacent streams. This information must be transmitted by phone to the Radiological Sites Section at (518) 402-8789 and to the Environmental Remediation Engineer - Southern Section at (716) 851-7220 within one (1) business day. A written report of such an event must be submitted to the addresses listed in RCP Condition 13 within 30 days.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 9 HEADQUARTERS
270 MICHIGAN AVE
BUFFALO, NY14203 -2915

4. Submission of Renewal Application The permittee must submit a renewal application at least 90 days before permit expiration for the following permit authorizations: Radiation Control.



5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.



Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.