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# ENVIRONMENTAL COMPLIANCE SUMMARY

*CALENDAR YEAR 1993*

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## **Compliance Status**

**E**nvironmental compliance activities during 1993 at the West Valley Demonstration Project (WVDP) successfully addressed the full range of environmental laws and regulations, including the management of radioactive mixed wastes under the Resource Conservation and Recovery Act (RCRA). The WVDP continued to operate under a Federal and State Facility Compliance Agreement (FSFCA) that addresses compliance issues relating to radioactive mixed waste management, including compliance with RCRA land disposal restrictions (LDRs). (See **Current Issues and Actions** below.)

No instances of noncompliance were found during inspections and audits conducted by the U.S. Environmental Protection Agency (EPA), the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Health (NYSDOH), and the Cattaraugus County Health Department. A major review of the environmental monitoring program was carried out by the U.S. Nuclear Regulatory Commission (NRC) in 1993. Although a number of areas for improvement were identified during the NRC review, the surveillance pointed out the overall high quality of the monitoring program.

Management at the WVDP continues to provide strong support for environmental compliance issues, ensuring that all state and federal statutes and regulations, as well as Department of Energy (DOE) Orders, are integrated into the compliance program at the Project.

## **Clean Air Act (CAA)**

**T**he Clean Air Act establishes a comprehensive federal and state framework that regulates air emissions from both stationary and mobile sources: any emission sources of a CAA-regulated substance may require a permit or be subject to registration or notification requirements. Air emission sources such as welding activities and waste processing operations are regulated under the CAA. These sources may discharge to the environment through stacks, ventilators, air ducts, or wall fans. Air emissions from soil piles and open lagoons also fall under CAA regulation.

Under the CAA, radiological emissions are the only hazardous air pollutants over which the EPA maintains direct control. Other nonradiological hazardous air pollutants are regulated by the EPA, but authority to enforce those regulations

has been delegated to NYSDEC. In 1993 the WVDP initiated or maintained twelve Permits to Construct nonradiological air emission sources. (See Table B-3 in *Appendix B*.) These new sources include the nitrogen oxide off-gas treatment system for the vitrification facility and laboratory fume hoods in the environmental analytical annex building. One Permit to Construct, for the vitrification (canister welding) heating, ventilation, and air conditioning (HVAC) system, was submitted to NYSDEC and is currently under review. The number of nonradiological emission sources permitted to operate remained constant throughout 1993.

The WVDP operated under eighteen active air permits in 1993. (See Table B-3 in *Appendix B*.) Of the eighteen permits, six are for radiological emissions regulated under the EPA's National Emissions Standards for Hazardous Air Pollutants (NESHAP) program. Permit applications to operate the vitrification melter off-gas and HVAC systems as radiological release points are currently under review by the EPA.

The annual NESHAP inspection by EPA Region II in September 1993 indicated no noncompliance episodes or notices of violation. Calculations to demonstrate compliance with NESHAP standards showed 1993 doses to be less than 1% of the 10 millirem standard.

### **Emergency Preparedness and Community Right-to-Know Act (EPCRA)**

**T**he purposes of EPCRA are to provide local governments and the public with information concerning potential chemical hazards in their communities and to encourage and support emergency planning efforts at the state and local levels.

The EPCRA program requires the WVDP to submit reports that give information about the quantities,

locations, and any associated hazards of chemicals used and stored on-site to off-site state and local emergency response organizations.

All required reports were submitted to the appropriate organizations by the required deadlines. In support of the waste minimization and pollution prevention directives from the EPA and NYSDEC, the number of reportable chemicals above their threshold planning quantity stored on-site was reduced from eighteen at the end of 1992 to thirteen at the end of 1993. This information is included in the quarterly reports submitted to the state and local emergency planning and response organizations. These updates ensure that the public and emergency responders have the most recent information about site conditions and operations.

Separate from reporting requirements given above, the DOE voluntarily complies with EPCRA regulations requiring the annual reporting of toxic chemical releases to the EPA and NYSDEC. In July 1993 the WVDP submitted a report for 1992 detailing the routine permitted venting of a sulfuric acid storage tank.

### **Clean Water Act (CWA)**

**T**he Clean Water Act is the primary statute governing water pollution control programs in the United States. It controls discharges to surface water and groundwater through a National Pollutant Discharge Elimination System (NPDES) permit program that requires permits to be issued specifying discharge standards and monitoring and reporting requirements. Authorized states such as New York are allowed to issue equivalent State Pollutant Discharge Elimination System (SPDES) permits.

#### **SPDES-permitted Outfalls**

All WVDP point source effluent discharges to surface waters are permitted through the New York SPDES program.

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The WVDP has three permitted outfalls, all of which discharge to Erdman Brook. (See Figs. 2-3 and 2-16):

- Outfall 001 (WNSP001) discharges the effluent from the low-level waste treatment facility (LLWTF).
- Outfall 007 (WNSP007) discharges the combined effluent from the site's sewage treatment plant and various nonradioactive industrial and potable water treatment systems. The average monthly flow in 1993 was 7.38 million liters (1.95 million gal).
- Outfall 008 (WNSP008) directs groundwater flow from the northeast side of the site's LLWTF lagoon system through a french drain. The average monthly flow in 1993 was 0.568 million liters (0.15 million gal).

In 1993 treated water from the LLWTF was discharged in seven batches that totaled 39.4 million liters (10.4 million gal) for the year. The annual average concentration of radioactivity at the point of release was 47% of the DOE's derived concentration guides (DCGs). None of the individual releases exceeded the DCGs. (See Table B-1 in *Appendix B*.)

With the exception of a single pH value of 9.86 standard units (s.u.) at outfall 007 during May, all discharge data for 1993 were within SPDES permit limits. This measurement, which was above the permit limit of 9.0 s.u., occurred after an automatic control valve on outfall 007 properly closed when the pH of the effluent increased to 8.4 s.u. In accordance with standard operating procedures, the valve was reopened after confirmation of normal pH levels in the effluent at the nearest upstream sample location. Out-of-specification liquid (about 150 gal) that was trapped in piping downstream of this sampling location was grab-sampled as it was released. The WVDP has modified the outfall piping to allow liquid upstream of the control valve to be returned back

into the treatment process. This technique will help ensure that all liquid released is within permit limitations.

There were no excursions attributable to the present sewage treatment plant in 1993. A proposal for the expansion of the sewage treatment plant into a wastewater treatment facility was approved by NYSDEC on March 16, 1993. Construction is presently on schedule with completion targeted for early 1994.

### **Stormwater Permit Application**

Stormwater from municipal or industrial facilities may contain a variety of pollutants. To protect aquatic resources and the public health, regulations require that facilities such as the WVDP obtain permits specifying discharge limits.

The WVDP obtained site-specific data through sampling in 1991 and submitted a stormwater discharge permit application to NYSDEC on September 30, 1992. This permit application continued to be under review by NYSDEC in 1993. (See *Clean Water Act, Environmental Compliance Summary: First Quarter 1994*.)

### **Safe Drinking Water Act (SDWA)**

**T**he Safe Drinking Water Act states that each federal agency having jurisdiction over a federally owned or maintained public water system must comply with all federal, state, and local requirements regarding safe drinking water. The drinking water quality program in the state of New York is administered by NYSDOH through county health departments.

The WVDP obtains its drinking water from surface water reservoirs on the Western New York Nuclear Service Center (WNYNSC) site and is considered a nontransient, noncommunity public water supplier. The Project maintains a drinking

water treatment facility to serve the on-site population. In this facility the water is purified by settling, filtration, and chlorination before it is distributed on-site.

As an operator of a drinking water supply system, the WVDP collects routine drinking water samples for analysis to ensure water quality. The results of those analyses are reported to the Cattaraugus County Health Department. The Cattaraugus County Health Department also collects independent monthly samples of WVDP drinking water to determine bacterial and residual chlorine content.

A number of important events with regard to the site's drinking water program occurred in 1993:

- The site's gaseous chlorination system was replaced with a hypochlorite disinfection system, enhancing both the chlorination process and operational safety. In June 1993 this new system was inspected by the Cattaraugus County Health Department. No deficiencies were identified.
- Per New York State regulations, a new requirement for quarterly monitoring of drinking water for nitrate was added to the site's program. No violations of any drinking water quality standards for nitrate have been noted.
- At the end of 1993 a new requirement of the New York State Sanitary Code for inorganic chemical monitoring was implemented at the WVDP. Samples collected in December for a number of heavy metals, sulfate, cyanide, and nitrite have been analyzed. Results are currently being evaluated.
- In 1993 the WVDP implemented sampling and testing for lead and copper in the site's drinking water in accordance with new EPA and NYSDOH regulations. Review of sampling results indicated that three locations on-site, out of a total of twenty locations

sampled, showed lead levels above the new 15 parts per billion (ppb) action level set by federal and state regulations. As a result, the WVDP has conducted further monitoring, is identifying appropriate remedial measures, and has informed its employees through an EPA-developed public education program. The Cattaraugus County Health Department was informed of the situation and of the actions taken in December 1993. It should be noted that none of the lead concentrations observed exceeded the previously established health-based standard of 50 ppb. (See **Safe Drinking Water Act**, *Environmental Compliance Summary: First Quarter 1994*.)

Other than the lead action-level exceedances noted above, monitoring results in 1993 indicate that the Project's drinking water meets NYSDOH drinking water quality standards.

## **Medical Waste Tracking**

**I**n the past the WVDP used the services of Bertrand Chaffee Memorial Hospital for incineration of medical wastes generated at the Project. When the hospital stopped incinerating wastes, the WVDP retained a commercial medical waste removal firm that picks up waste generated at the site and transports it off-site to an approved medical waste incinerator in the state of Maryland. Fewer than 1.8 kilograms (4 lbs) of medical waste were removed in 1993.

## **Petroleum Product Spill Reporting**

**U**nder an agreement with NYSDEC, the WVDP reports on-site spills of petroleum products of 10 gallons or less onto an impervious surface (such as blacktop) in a monthly log. Spills greater than 10 gallons that do not affect ground- or surface water or enter a drainage system must be reported to NYSDEC within twenty-four hours

and entered in the monthly log. Spills of any amount that do affect waters of the state (groundwater, surface water, drainage systems) must be reported immediately to the NYSDEC spill hotline and also are entered in the monthly log.

There were forty minor spills of petroleum products in 1993 totaling approximately 38 liters (10 gal). These spills were typically associated with leaks from heavy industrial construction equipment and vendor delivery vehicles.

Of the forty spills, none required immediate notification of NYSDEC under the reporting protocol. All spills were cleaned up in a timely fashion in accordance with the WVDP Spill Prevention, Control, and Countermeasures Plan. None of the spills resulted in any discernible adverse environmental effect.

## **Toxic Substances Control Act (TSCA)**

**I**n 1993 the WVDP continued to manage radioactively contaminated polychlorinated biphenyl (PCB) waste as mixed hazardous and radioactive wastes. These wastes originated from a dismantled hydraulic power unit inside the former reprocessing facility and from several radiologically contaminated PCB capacitors containing PCB fluids. The toxic aspect of this PCB waste is regulated under the Toxic Substances Control Act (TSCA). To comply with TSCA, the WVDP maintains an annual document log that details PCB usage and storage on-site and any changes in storage or disposal status. (See also **Radioactive Mixed Waste Management Program** below.)

## **Resource Conservation and Recovery Act (RCRA)**

### **Hazardous Waste**

**T**he WVDP has been operating under RCRA interim status for treatment and storage of radioactive mixed waste since its original submittal of a RCRA Part A permit application on June 4, 1990. After the original permit application was filed, several modifications were made via letters to NYSDEC. In April 1991 the WVDP amended its RCRA interim status application to incorporate all these modifications. This included the addition of the hazardous waste storage lockers and specification of RCRA waste codes for contained storage units on-site. Last modified in April 1993, the WVDP's Part A permit application continues to be updated as any changes to the site's hazardous or mixed waste storage status occurs.

Using permitted transportation and disposal services, the WVDP disposed of approximately 7 tons of nonradioactive, hazardous waste off-site in 1993, fewer than the 12 tons disposed off-site in 1992. The materials disposed included expired laboratory standards and unneeded testing chemicals.

On March 22 and 23, 1993 an annual RCRA inspection of the WVDP was carried out by NYSDEC. No violations were found or citations issued.

### **Nonhazardous, Regulated Material**

The WVDP transported 65 tons of nonradioactive, nonhazardous material off-site to permitted facilities in 1993. These shipments consisted of industrial wastewaters and solid wastes such as refractory brick. In 1993 the WVDP also shipped approximately 1,540 tons of sewage treatment waste to a permitted wastewater treatment facility.

## **Radioactive Mixed Waste (RMW) Management Program**

Radioactive mixed waste is waste that contains both a radioactive constituent, which is regulated by the Atomic Energy Act (AEA), and a hazardous waste component, which is regulated under RCRA.

Potential conflicts between RMW regulations under the Atomic Energy Act and under RCRA regulations led to the WVDP initiating discussions with the regulatory agencies to resolve these conflicts through a Federal and State Facility Compliance Agreement (FSFCA). Negotiations on the FSFCA and a RCRA 3008(h) Administrative Order on Consent continued into 1992. The Consent Order was signed in March 1992 and the FSFCA went into effect in March 1993. These agreements provide the means whereby the WVDP can comply with both RCRA regulations and with the requirements of the AEA. (See **Current Issues and Actions** below.)

The Federal Facility Compliance Act (FFC Act) of 1992 was signed into law on October 6, 1992. As a result of this law, the federal government will be subject to the full range of available enforcement tools provided in federal, state, or local environmental law. A waiver of sovereign immunity became effective on October 6, 1992, except as it relates to certain mixed waste storage requirements for which the FFC Act provides a three-year delay period. During this three-year period, the DOE is to prepare plans for the development of treatment capacity and technologies for its facilities that generate and store mixed wastes. The FFC Act also requires the DOE to submit progress reports regarding implementation of the new law and a mixed waste inventory to the EPA and to states in which mixed waste is located. An initial mixed waste inventory report detailing current and future mixed waste-generating activities and treatment capabilities at the WVDP was submitted to DOE Headquarters in January 1993. A final version was provided in March 1993 for inclusion in a DOE-wide report. The Site Treatment Plan

(STP) in conceptual form was transmitted to NYSDEC in October 1993. This plan presents treatment options for all mixed wastes identified in the site mixed waste inventory. PCB wastes are included in the site's mixed waste inventory and in the site treatment plan.

## **Underground Petroleum Storage Tanks**

RCRA regulations also cover underground petroleum storage tanks. There are three 2,000-gallon underground petroleum storage tanks at the WVDP. Two of these tanks contain unleaded gasoline. The third tank held high-sulfur diesel fuel through the end of 1993. Low-sulfur diesel fuel, slated for site use in 1994, will be used in some site motor vehicles and industrial equipment.

Inventory in each of the 2,000-gallon fuel storage tanks ranges from 300 to 1,900 gallons. Inventories for these tanks are taken daily and reconciled monthly with the daily readings.

Another 550-gallon underground petroleum storage tank is used for fueling ventilation standby power for the supernatant treatment system (STS).

Registration for all of the tanks mentioned above is renewed every five years with NYSDEC.

## **New York State-regulated Aboveground Storage**

An issue not directly covered under any federal statutes but administered through New York State regulation 6 NYCRR Part 596 concerns the registration of aboveground, hazardous substance, bulk storage tanks. In August 1993 NYSDEC approved reissuance of the WVDP's certificate to maintain twenty-five such tanks. Aboveground petroleum storage is regulated by New York State regulations under 6 NYCRR Parts 612, 613, and 614. The WVDP maintains eight aboveground

petroleum storage tanks that are registered with New York State.

## **Waste Minimization**

**A** number of waste minimization activities were carried out in 1993, including the following:

- The WVDP's goal is to reduce the generation of all categories of radioactive and hazardous waste by 25 % over a five-year period, with an annual goal of 5 %. In 1993, the program's third year, waste minimization efforts exceeded the three-year goal of a 15 % reduction.
- After completion of a successful pilot study, the WVDP instituted a site-wide paper recycling program in March 1993. By the end of 1993 approximately 179,000 pounds of paper had been sent off-site for recycling.
- The WVDP shipped approximately 12,000 pounds of hazardous materials off-site for recycling, reclamation, or recovery. These materials included unused paints, used batteries, and used oil.
- Low-level radioactive waste compacting reduced the volume of waste generated from more than 15,000 cubic feet to less than 4,000 cubic feet.
- Many common materials were recycled or reused, including 1,005 wooden pallets, 951 cardboard boxes, and 48,900 aluminum pop cans.
- An environmental awareness day for all WVDP employees emphasized the importance of waste minimization and pollution prevention.

## **National Environmental Policy Act (NEPA)**

**T**he National Environmental Policy Act establishes the nation's policies for the protection of the environment. Its goals are to prevent or eliminate damage to the environment. The President's Council on Environmental Quality, established by NEPA, carries out this policy. Its regulations are found in the Code of Federal Regulations, Title 40, Parts 1500-1508 (40 CFR 1500-1508). Since 1990 the DOE has been revising its NEPA-compliance program, which was approved by the President's Council on Environmental Quality and was codified in 10 CFR 1021. This regulation went into effect on May 26, 1992.

NEPA requires that all federal agencies proposing major actions that could significantly affect the quality of the human environment prepare detailed environmental statements.

The DOE implements NEPA by requiring an environmental review of all proposed activities. If the proposed action will have an insignificant effect on the environment it is excluded from further environmental review under a categorical exclusion. If the proposed action could have an effect on the environment, then it is reviewed through an environmental assessment. If the results of the assessment indicate no effect on the environment, then a finding of no significant impact is issued. A proposed action that could have a significant effect on the environment is reviewed through an environmental impact statement.

Both environmental assessments and environmental impact statements are available to the public. NEPA requires that the public be notified of and given the opportunity to review and comment on environmental impact statements.

## **1993 NEPA Activities**

Sixteen proposed actions regarding facility maintenance and operation were evaluated under the Department of Energy's NEPA-implementing regulations during 1993. Ten were categorically excluded. Five are eligible for categorical exclusion and are awaiting approval. The last proposed action, which concerns management of low-level waste, is awaiting a determination on the appropriate level of NEPA review.

The Supplement Analysis to the 1982 High-level Waste Stabilization environmental impact statement was approved by DOE headquarters. This analysis presents information on modifications to the design and operational aspects of solidification activities that have changed since the environmental impact statement was issued. The analysis demonstrates that the changes do not significantly affect the environment or the 1982 Record of Decision.

During 1993 an environmental assessment was initiated to evaluate management options concerning the remaining spent nuclear fuel stored at the WVDP.

Preparation of the draft environmental impact statement for Project completion by the DOE and site closure or long-term management by NYSERDA continued in 1993. Six alternatives have been developed and are being evaluated.

## **Summary of Permits**

**E**nvironmental permits in effect at the Project during 1993 are listed in Table B-3 of *Appendix B*.

## **Current Issues and Actions**

### **Resource Conservation and Recovery Act (RCRA)**

**I**n 1992 the WVDP completed negotiations with the EPA and NYSDEC for a Federal and State Facility Compliance Agreement (FSFCA) regarding compliance with RCRA regulations pertaining to radioactive mixed waste management, including compliance with RCRA land disposal restrictions (LDRs). The agreement also provides a plan and schedule to address container storage and waste analysis issues at the WVDP. This agreement became effective on March 23, 1993. Implementation of the FSFCA has resolved a 1992 Notice of Noncompliance from the EPA that had detailed mixed waste compliance issues at the WVDP.

The RCRA 3008(h) Administrative Order on Consent is an agreement between NYSDEC, the EPA, NYSERDA, and the DOE about the kind and extent of work needed to identify and evaluate any hazardous waste or hazardous constituent that may have been released at the WVDP site. The Consent Order requires NYSERDA and the West Valley Project Office to conduct investigations at solid waste management units (SWMUs) to determine if there has been a release or if there is a potential for release of hazardous waste constituents.

The following activities were completed under the RCRA 3008(h) Consent Order during calendar year 1993:

- Comments were received from NYSDEC and the EPA on the RCRA Facility Investigation (RFI) Work Plan, which identifies the strategy for investigating solid waste management units at the WVDP. After these comments were successfully incorporated into the Work Plan, sampling for an expanded group of groundwater parameters and soils began. The soil and sediment sampling portion of the

investigation was completed in December 1993. Samples collected during the investigation have been analyzed. Results of these analyses will be evaluated during 1994.

The first of two expanded groundwater sampling events was conducted in the last quarter of 1993 to support the RFI Work Plan. The second round of sampling is scheduled for mid-1994. The groundwater samples from these two expanded rounds will be analyzed during 1994.

- As required by the Consent Order, the WVDP informed the EPA and NYSDEC of the existence of a number of minor solid waste management units that had been identified during the investigation process. Additional assessment activities are being implemented to appropriately characterize these areas.

Pursuant to the Consent Order and following evaluation of analytical results, the RFI Work Plan specifies a schedule for issuing RFI reports in 1995 and 1996. These reports will include data collected during SWMU investigations and will be sent to the EPA and NYSDEC.

### **Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)**

On February 5, 1993, the WVDP was listed in the EPA's Federal Agency Hazardous Waste Compliance docket. This action will result in an evaluation of the WVDP to ascertain its status relative to CERCLA requirements. On October 5, 1993, the WVDP submitted a CERCLA Preliminary Assessment to the EPA for their review. This assessment evaluated waste management at the WVDP along with the likelihood of release and possible effects on human health and the environment. Based on a standardized scoring scheme, these factors were used to rank risks from the site. The DOE concluded in the assess-

ment that no further investigation of the facility pursuant to CERCLA Section 120 is warranted and that the site does not qualify for the National Priorities List. This was based on the score attained in the preliminary assessment and the fact that Project facilities are currently being remediated in accordance with the provisions of the WVDP Act and the RCRA 3008(h) Order on Consent.

### **Project Assessment Activities in 1993**

West Valley Nuclear Services Company, Inc. (WVNS), as management and operating contractor for the DOE at the WVDP, conducted more than eighty reviews of environmentally related activities in 1993. These included departmental self-assessments and internal audits, appraisals, and surveillances. In addition, there were more than ten reviews conducted by organizations external to WVNS (e.g., the DOE, NYSDEC, and the EPA).

More significant external environmental surveillance activities conducted in 1993 included a Comprehensive Groundwater Monitoring Evaluation conducted by NYSDEC and an extensive audit of the WVDP radiological monitoring program by the NRC. There were also routine joint annual inspections by NYSDEC and the EPA to assess compliance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Resource Conservation and Recovery Act (RCRA) regulations. While formal reports have not yet been issued, preliminary results do not indicate any significant findings.

NYSDEC conducted the annual SPDES inspection at the WVDP on March 29, 1993, to gauge compliance with Clean Water Act requirements. No citations were issued and the WVDP was found to be in full compliance.

**Follow-up to the Department of Energy  
1992 Environmental Audit**

In November 1992 the U.S. Department of Energy Idaho Field Office performed a comprehensive appraisal of the WVDP. The appraisal team reviewed the WVDP programs for environmental protection, quality assurance, emergency preparedness, and firearms safety. After receiving a final appraisal report from the Idaho Field Office in December 1992, the WVDP issued its final action plan to address their concerns. More than 32% of these concerns have already been resolved by WVNS. Almost all of the remaining action items are long-term commitments related to continuing self-assessment.

**Follow-up to Department of Energy  
1991 Environmental Audit**

A final report by the Department of Energy Headquarters Office of Environmental Audit on the 1991 environmental audit was received by the WVDP in March 1992. The WVDP completed its final action plan and resubmitted it to DOE Headquarters in April 1992. As of January 1994 more than 97% of the identified action items had already been resolved by WVNS.

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# ENVIRONMENTAL COMPLIANCE SUMMARY

*FIRST QUARTER 1994*

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## **Compliance Status**

**T**he compliance status of the West Valley Demonstration Project's major environmental programs through the first quarter of 1994 is noted below.

## **Clean Air Act (CAA)**

**D**uring the first quarter of 1994 the WVDP received Certificates to Operate two new nonradiological emission sources previously under construction. These included vitrification facility exhaust welding fume blower systems as well as the ventilation system for the analytical cell mock-up unit.

## **Clean Water Act (CWA)**

**D**iscussions with NYSDEC relating to the renewal of the WVDP's SPDES permit continued during 1993. The renewed SPDES permit was received by the WVDP in early January 1994. The renewed permit went into effect on February 1, 1994 and comprised an expanded list of monitoring requirements. Major changes to the permit include a revised method

for determining releases of iron from the site, monitoring requirements for total dissolved solids, and expanded provisions for the discharge of treated New York State-licensed disposal area (SDA) trench leachate. The permit renewal defines a schedule for the WVDP to establish a plan to prevent or minimize the potential for any spill of toxic or hazardous pollutants to the waters of the state.

Communications with NYSDEC held early in 1994 indicated that any future stormwater monitoring requirements will be incorporated into the WVDP's existing SPDES permit.

## **Safe Drinking Water Act (SDWA)**

**T**he Cattaraugus County Health Department approved reducing the requirement for quarterly sampling for nitrate in the site's drinking water to an annual requirement beginning in 1994. This reduction was based upon the sufficiently low levels of nitrate observed during sampling in 1993. Annual sampling for heavy metals and fluoride, as required by the New York State Sanitary Code, is being formalized in 1994.

The WVDP will be forwarding its Corrosion Control Treatment Plan to the Cattaraugus County Health Department during the first quarter of 1994. This plan will outline steps toward lowering drinking water concentrations of lead on-site to below the mandated action level. (See **Safe Drinking Water Act**, *Environmental Compliance Summary: Calendar Year 1993*.) While remedial steps are being taken, the frequency of sampling and analysis has been increased in order to monitor the situation.

### **Emergency Preparedness and Community Right-to-Know Act (EPCRA)**

**E**mergency and Hazardous Chemical Inventory (Tier II) reports, due during the first quarter of 1994 for the 1993 reporting period, were transmitted to state and local emergency response organizations by the required deadline. These reports contain listings of materials that may be of concern to personnel responding to an emergency at the WVDP.

### **Resource Conservation and Recovery Act (RCRA)**

**T**he annual Hazardous Waste Generator/Waste Minimization Report was submitted to the New York State Department of Environmental Conservation by the required deadline.

RCRA regulations also cover underground petroleum storage tanks. There are three 2,000-gallon underground petroleum storage tanks at the WVDP. Two of these tanks contain unleaded gasoline. The third tank held high-sulfur diesel fuel through the end of 1993. In early 1994 fuel storage in this tank was converted to a low-sulfur alternative to be used in some site heavy equipment and vehicles.

### **National Environmental Policy Act (NEPA) Activities**

**T**he preparation of the draft EIS for Project completion by the DOE and site closure or long-term management by NYSERDA is continuing.

A draft EIS originally scheduled for release in June 1994 has been delayed to address regulatory questions and emerging regulatory requirements.

### **Current Issues and Actions**

**D**uring the first quarter of 1994 the WVDP continued to operate under a Federal and State Facility Compliance Agreement negotiated with NYSDEC and the EPA. The agreement defines specific requirements for the management of radioactive mixed waste, including compliance with land disposal restrictions.

Progress on implementation of the RCRA 3008(h) Consent Order continues. The quarterly progress report for the last quarter of calendar year 1993, including groundwater monitoring results, was submitted on schedule in early 1994.