NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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February 4, 2016

Lieutenant Colonel Karl Jansen
U.S. Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, New York 14207

RE: Niagara Falls Storage Site (DER #932023), Feasibility Study and Proposed Plan for Operable Unit 1 – Interim Waste Containment Structure

Dear Colonel Jansen;

This letter transmits the New York State Department of Environmental Conservation (the Department) and the New York State Department of Health joint position on the U.S. Army Corp of Engineers' (Corps) December 2015 Feasibility Study Report for the Interim Waste Containment Structure at the Niagara Falls Storage Site and the Proposed Plan, Interim Waste Containment Structure Operable Unit, Niagara Falls Storage Site.

Our agencies strongly support the Corp's selection of Alternative 4, excavation, partial treatment, and off-site disposal of the entire waste contents of the Interim Waste Containment Structure. As you know, the Department's long standing position is that this material is not suitable for permanent shallow land disposal in western New York.

Thank you for the opportunity to comment on these documents. Our detailed comments are enclosed. If you have any questions, call [redacted]

Sincerely,

[redacted]

Director
Remedial Bureau A

Enclosure

ecc: [redacted], USEPA
[redacted], NYSDOH
[redacted], NYSDOH
[redacted]

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

New York State Department of Environmental Conservation
Specific comments on the
Feasibility Study Report and the Proposed Plan for the
Interim Waste Containment Structure Operable Unit, Niagara Falls Storage Site

1. As a general observation, please clarify what clean-up criteria the Corp is applying to the IWCS remediation. Is the Corp cleaning up the site to the 10 CFR 40, Appendix A: Criterion 6**,** benchmark standard of 5 and 15 for Ra-226?

2. As a general comment there are a lot of assumptions on the availability of a disposal facility being available at the time of remediation including the ability to accept 11e(2) material. This discussion is in section 2.4.5 and also in section 4.6.3.4. We hope the expected disposal location is available at the time of remediation, however if that location is not available, does the Corp have alternative disposal options available?

3. In Section 1.7 it states: "If all of the waste material in the IWCS is removed, then any remaining IWCS structures (e.g., dike and cut-off walls, residual soil that had waste placed on them, etc.) would be addressed within the scope of the Balance of Plant OU and its associated cleanup criteria." How is this unit going to be closed if there is contaminated material remaining which needs to be addressed under the Balance of Plant (BOP) Operable Unit (OU) Record of Decision (ROD)?

4. In Section 2.4.1, It should be noted that land use controls will need to be maintained at the site regardless of the remedy chosen since OU2 and OU3 have not yet had remedial determinations made.

5. Section 2.4.4.1, should contain additional discussions/evaluations on the implementability of solidification/stabilization of the Subarea A wastes with respect to airborne emission/exposures.

6. In Section 4.3.2.2 and in Appendix G regarding Alternative 2, Enhanced Containment, this alternative does not address the fact, presented in the Department's ARAR position' that the waste in Subunit A constitutes greater than Class C material and therefore is not eligible for shallow land burial.

7. In section 4.5.1.4, for the enhanced containment cap in Alternative 3B to be acceptable, Subareas A & B would need to be remediated to "free release" criteria.

8. In section 4.6.1, LUCs will be required after Alternative 4 is completed since the entire 191 acre facility will not be remediated at that time. In order for LUCs not to be required, the ROD criteria will need to be "free release". The Department recommends that the LUCs will have to be in the form of an Environmental Easement to be consistent with Part 375.

9. In Section 4.6.2.1, it states: "All IWCS waste will be removed to action levels as determined by ARARs, resulting in risk within acceptable levels". It is not clear from the text what "resulting in risks within acceptable levels" actually refers to. If this action is only applicable to the wastes within the IWCS, will media (Soil, groundwater) be remediated to acceptable levels under this action? This also again brings up the need to clearly describe the clean-up criteria.

10. In Section 4.6.3.3, regarding the discussion of the R-10 pile, wasn't the R-10 pile eventually covered because of wind and air releases?. The FS seems to downplay the potential air issues with the excavation and exposure of the material. A comprehensive discussion of the potential for airborne impacts should have been included.

11. Sections 5.3 and 6.5 both seem to focus on radiological constituents, however chemicals are also contained or potentially contained within the IWCS. Therefore statements in both sections which allude to "Alternative 4 removes all hazardous materials at the site…." may not be accurate without clearly addressing the potential for non-radiological contaminants.

12. In Appendix H, Section H.4.2: What is the "groundwater treatment building" mentioned in this section?

13. In Section H.4.3.4, A NYS SPDES permit or equivalent will be required for discharge of treated water to surface water. The Department believes a SPDES permit will require more than what is covered in this section.

14. Section H.4.5: Be aware that there is a bulldozer buried in Sub area C that will have to be addressed.

15. In Section H.4.5 on Page H-29, in the first paragraph it states: "In accordance with the conceptual design, most of the debris waste will meet the size requirements and will be disposed of as normal debris; however, approximately 4,800 yd3 will not attain size requirements and will be disposed of as oversized debris. Decontaminated and downsized rubble and debris will be transferred to lined, top-loading intermodal containers having rigid sides with a swamp mat as a base over a 10-mil plastic sheet.

The intermodal containers will be transferred to a staging area for surveying, and visible contamination will be removed. The containers will be prepared for shipment (e.g., voids filled with contaminated soil), lidded, decontaminated as needed, and placed onto flatbed trucks for transportation to the bimodal rail spur where they will be loaded into lined and covered gondola railcars and transported to the selected disposal facility.

The estimated production is approximately 40 yd3 per day considering screening, sampling, and processing requirements." Why would contaminated soil be added to decontaminated and downsized rubble to fill the voids? If the referenced rubble is being decontaminated, why is contaminated soil being added to it?

16. Appendix I relies on using Modern Landfill and CWM Chemical Services for disposal of non-radioactive solid and hazardous wastes. Given the timeframe for the initiation of the remedial action, these facilities may no longer be accepting wastes and thus planning and cost estimation based on their availability may be inappropriate as it likely artificially reduces shipping and disposal costs.

17. In Table J-2, it is important to note the potential O&M cost (non-discounted) on the alternatives. This makes Alternative 4 look better in the long run. ($0.5 billion Alternative 4 vs. $1.5 billion Alternative 2).