

New York State Department of Environmental Conservation

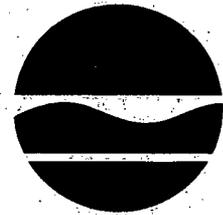
Division of Solid and Hazardous Materials

Bureau of Hazardous Waste and Radiation Management, 9th Floor

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Alexander B. Grannis
Commissioner

March 24, 2009

Mr. Paul J. Bembia, Program Director
West Valley Site Management Program
New York State Energy Research and Development Authority
10282 Rock Springs Road
West Valley, NY 14171

Dear Mr. Bembia:

Re: Geomembrane Tear at the State-licensed Disposal Area (SDA)

On March 11, 2009, high winds at the SDA resulted in damage to the geomembrane cover; specifically, wind damage to the "XR-5" geomembrane cap in the vicinity of Trench 7, resulting in an approximately 60-foot tear in the material. This letter serves as the New York State Department of Environmental Conservation's (Department) follow-up to the incident.

Based on recent discussions with New York State Energy Research and Development Authority (NYSERDA) staff regarding this incident, review of the existing records and procedures (e.g. Part 380 Operating Permit, RCRA 3008(h) Order on Consent, RCRA Interim Measures (IM) plans, etc.) and inspection of the facility, the Department is requiring the following as a result of the incident:

- 1) Submission of a report detailing the incident, including but not limited to factor(s) leading to and analysis of the incident, NYSERDA's response, the temporary repair and mitigation, documentation including photographs, etc.,
- 2) Development of a detailed plan for an as-soon-as-is-practicable repair of the tear, including a schedule for the repairs, and
- 3) Development of a specific contingency program for the geomembrane cap to be implemented in such situations, as well as for ongoing monitoring of the cap. To date, the general Operations and Maintenance of the geomembrane has been the use of best management practices. Putting said practices in writing for SDA facility is appropriate.

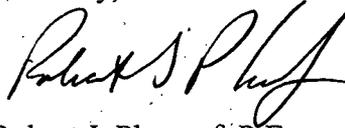
It should also be noted that the incident prompted a review of the most recent geomembrane testing results (November 2008) for the caps at the SDA. The Department has concerns regarding the service life, and need for replacement of the Very Low Density

Polyethylene (VLDPE) membrane in the original IM area, (Trenches 12-14 et al). A proposal and general timeframe for replacement of the VLDPE liner (the older, "original" SDA IM area) is also hereby requested.

The Department would be remiss if it did not acknowledge the response and efforts of NYSERDA staff to this incident. These actions most likely kept the damage to the geomembrane from being worse than what was experienced.

Please provide all of the above-requested items to the Department within thirty days of the date of this letter. Please contact Patrick Concannon of the Region 9 Office at (716) 851-7280 if you have any questions.

Sincerely,



Robert J. Phaneuf, P.E.
Acting Bureau Director
Bureau of Hazardous Waste and Radiation Management

cc: J. Reidy, EPA, Region 2
P. Giardina, EPA, Region 2
A. Park, EPA, Region 2
B. Bower, DOE-WVDP
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RETURN SERVICE REQUESTED

Mr. Keith McConnell, Deputy Director
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