

NRCREP Resource

From: Roybal, Julie, NMENV [julie.roybal1@state.nm.us] 2012 FEB 24 AM 9:41
Sent: Friday, February 17, 2012 10:40 AM
To: INIS_EIS Resource
Subject: Environmental Review Response 3605
Attachments: 3605ERResponse 1-16-12 signed.pdf

RECEIVED

Good day Kevin,

Attached is the Environmental Review Response from the New Mexico Environment Department that was requested by your agency back in January.

Have a great day,

Julie~

1/13/2012
77 FR 2096



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SUNSI Review Complete
Template = ADM-013

E-RIDS = ADM-03
A. Mallinckrodt (acms)



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ENVIRONMENT DEPARTMENT



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February 17, 2012

Kevin Hsueh
United States
Nuclear Regulatory Commission
Environmental Review Branch
Environmental Protection
Mailstop TWB-05-B01M
Washington, DC 20555-0001

**RE: Draft Environmental Impact Statement for the Proposed International Isotopes
Fluorine Products, Inc., Uranium Processing Facility (NMED File No. 3605ER)**

Dear Mr. Hsueh:

Your letter regarding the above named project was received in the New Mexico Environment Department (NMED) and was sent to various Bureaus for review and comment. Comments were provided by the Surface Water Quality Bureau, Ground Water Quality Bureau, Air Quality Bureau, Hazardous Waste Bureau and Radiation Control Bureau and are as follows.

Surface Water Quality Bureau

The U.S. Environmental Protection Agency (USEPA) requires National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for storm water discharges from construction projects (common plans of development) that will result in the disturbance (or re-disturbance) of one or more acres, including expansions, of total land area. Because this project exceeds one acre (including staging areas, etc.), it may require appropriate NPDES permit coverage prior to beginning construction (small, one - five acre, construction projects may be able to qualify for a waiver in lieu of permit coverage - see Appendix D).

Among other things, this permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (revegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters. In addition, permittees must ensure that there is no increase in sediment yield and flow velocity from the construction site (both during and after construction) compared to pre-construction, undisturbed conditions (see Subpart 10.E.1.b)

You should also be aware that EPA requires that all "operators" (see Appendix A) obtain NPDES permit coverage for construction projects. Generally, this means that at least two parties will require permit coverage. The owner/developer of this construction project who has operational control over project specifications, the general contractor who has day-to-day operational control of those activities at the site, which are necessary to ensure compliance with the storm water pollution plan and other permit conditions, and possibly other "operators" will require appropriate NPDES permit coverage for this project.

The CGP was re-issued effective June 30, 2008. The CGP, Notice of Intent (NOI), Fact Sheet, and Federal Register notice can be downloaded at:
<http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

In addition, USEPA requires NPDES Storm Water Multi-sector General Permit (MSGP) coverage for facilities that engage in "industrial activities" as defined at 40 Code of Federal Regulations Part 122.26(b)(14). Although the type of business to be operated is not entirely clear in the submittal, if this business meets the definition of regulated industrial activity, it will require appropriate NPDES permit coverage prior to beginning operations.

Among other things, this permit also requires that a SWPPP be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained to prevent, to the extent practicable, pollutants in storm water runoff from entering waters of the U.S. A SWPPP should include such things as:

- **A description of potential pollutant sources** - includes such things as a site map, an identification of the types of pollutants that are likely to be present in storm water discharges, an inventory of the types of materials handled at the site that potentially may be exposed to precipitation, a list of significant spills and leaks of oil, toxic or hazardous pollutants, sampling data, a narrative description of the potential pollutant sources from specific activities at the facility (i.e., pumping operations, road construction, raw material storage and handling, material transportation, fueling and other equipment maintenance), and identification of specific potential pollutants (i.e., dust, total suspended solids, total dissolved solids, turbidity, pH, nitrates, oil, grease, ethylene glycol, heavy metals, radionuclides, and others); and

A description of appropriate measures and controls - includes the type and location of existing and proposed non-structural and structural best management practices (BMPs) selected for each of the areas where industrial materials or activities are exposed to storm water. Non-structural and structural BMPs to be described and implemented include such things as good housekeeping, preventive maintenance, spill prevention and response procedures, periodic inspections, employee training, record keeping, non-storm water evaluations and certifications, sediment and erosion control, as well as implementation/maintenance of traditional storm water management practices (i.e., sediment/settling ponds, check dams, silt fences, straw bale barriers, perimeter berms, runoff diversion structures), where appropriate. The MSGP also requires preparation and implementation of a reclamation plan for the site.

The NPDES Storm Water Multi-Sector General Permit for Industrial Activities (MSGP) was re-issued effective September 29, 2008 (see **Federal Register/Vol. 73, No. 189/Monday, September 29, 2008** pg. 56572). The MSGP, Notice of Intent (NOI), Fact Sheet, and Federal Register notice can be downloaded at: <http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>

Finally, USEPA requires individual NPDES permit coverage for discharges of process wastewaters. These permits typically contain both technology and water quality based effluent limits, sampling requirements, etc. NPDES regulations at 40 CFR Part 122.44(d) require that NPDES permits include effluent limits necessary to achieve water quality standards established under § 303 [33 U.S.C. 1313 - Water Quality Standards and Implementation Plans] of the federal Clean Water Act (CWA), including State narrative criteria for water quality. 40 CFR Part 122.4(i) requires that a discharge not "cause or contribute to the violation of water quality standards." The New Mexico Water Quality Control

Commission (WQCC) has adopted surface water quality standards under authority of the New Mexico Water Quality Act [Chapter 74, Article 6 NMSA] pursuant to CWA § 303, which are codified as *Standards for Interstate and Intrastate Surface Waters, 20.6.4 NMAC*.

Regardless of whether or not an NPDES permit has been issued, state surface water quality standards must be met at all times and violation of these standards are enforced by the New Mexico Environment Department under authority of the New Mexico Water Quality Act.

Ground Water Quality Bureau

New Mexico Environment Department (NMED) Ground Water Quality Bureau (GWQB) staff reviewed the above-referenced letter as requested, focusing specifically on the potential effect to ground water resources in the area of the proposed project.

The letter from the U.S Nuclear Regulatory Commission (NRC) provides notification and requests comments on the Draft Environmental Impact Statement (EIS) for the proposed International Isotopes Fluorine Products Facility to be located in Lea County, NM. The proposed facility would deconvert depleted uranium hexafluoride to fluorine gas products and uranium oxide compounds for long-term disposal offsite. This memo should be regarded as a preliminary response to the EIS notification. Formal comments to the EIS will be provide in a separate letter.

If constructed, International Isotopes Fluorine Products, Inc. (IIFP) will be required to obtain a ground water discharge permit for this facility. GWQB met with IIFP on September 8, 2010 for a preliminary review of the proposed facility. On February 11, 2011, GWQB replied to an IIFP request dated January 27, 2011 with a letter providing a preliminary description of ground water monitoring requirements that would be required for the facility under a discharge permit.

The GWQB strongly recommends that IIFP submit a Discharge Permit Application at least 180 days prior to construction of the facility to allow adequate time for processing and required public notification. During the public notice period, if a public hearing is requested and granted by the NMED Secretary, the issuance of a discharge permit may be further delayed or denied.

Please note that construction of the facility will involve the use of heavy equipment, thereby leading to a possibility of contaminant releases (e.g., fuel, hydraulic fluid, etc.) associated with equipment malfunctions. The GWQB advises all parties involved in the project to be aware of notification requirements for accidental discharges contained in 20.6.2.1203 NMAC. Compliance with the notification and response requirements will further ensure the protection of ground water quality in the vicinity of the project.

Air Quality Bureau

From the project description, it is difficult to discern what the potential is for fluorine emissions. However, fluorine is listed as a Toxic Air Pollutant (TAP) in New Mexico under 20.2.72.502 NMAC and potential emissions must be included in the NEPA analysis. Radionuclides are also identified and are subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) in the Clean Air Act under 40 CFR Part 61.

Construction activities identified in this proposal have the potential to create temporary increases in emissions due to combustion-related construction activities and the use of earth-moving equipment. All asphalt, concrete, quarrying, crushing and screening facilities contracted in conjunction with the proposed project must have current and proper air quality permits. For more information on air quality permitting and modeling requirements, please refer to 20.2.72 NMAC.

Dust associated with vehicular use and earth-moving activities may also impact local air quality. However the increases should not result in non-attainment of air quality standards. Dust control measures should be considered to minimize the release of particulates due to vehicular traffic and ground

disturbances. If activities result in significant ground disturbance, the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust.

To further ensure air quality standards are met, applicable local or county regulations requiring noise and/or dust control must be followed; if none are in effect, controlling construction-related air quality impacts during projects should be considered to reduce the impact of fugitive dust and/or noise on community members.

Hazardous Waste Bureau

Comment #1: Table 4-31 states that if CaF₂ is not sold, total hazardous waste generation during operations would be 92,000 – 140,000 kg annually. However, Section 4.2.2.12 Waste Management, states: “The quantity of cumulative hazardous waste could be as much as 46,300 kg (51 tons) per year if a market for the CaF₂ cannot be identified.” This discrepancy should be corrected in the final report.

Comment #2: Depending on whether the facility is a Large Quantity Generator (LQG) or Small Quantity Generator (SQG); how much hazardous waste they intend to accumulate; and the length of time they intend to accumulate it, the facility may need a RCRA Permit to store hazardous waste.

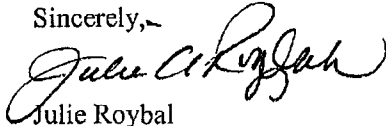
Comment #3: Table 1-3 infers that Form 8700-12 to notify NMED HWB of EPA waste activity and obtain an EPA ID Number would be submitted in 3rd Quarter of 2011. As of January 18, 2012, there is no EPA ID Number in the RCRA Info database.

Radiation Control Bureau

The draft EIS (NUREG 2113) should meet or exceed New Mexico, Title 20: Environmental Protection Chapter 3: Radiation Protection, Part 4: Standards for the Protection against Radiation and the equivalent federal regulations in 10CFR20, Standards for the Protection against Radiation.

I hope this information is helpful to you.

Sincerely,~



Julie Roybal

Environmental Impact Review Coordinator
NMED File #3505 ER