



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

FACT SHEET -- For a Draft RCRA Permit Issued to the United States Department of Energy for Construction of a New Mixed Low-Level Radioactive Waste Disposal Cell at the Nevada Test Site

Web Posting Date: 10/20/09

The Nevada Division of Environmental Protection (NDEP) has developed this FACT SHEET in accordance with the requirements of NAC 444.8632 and 40 CFR § 124.8. This FACT SHEET summarizes the basis for the DRAFT PERMIT prepared for the issuance to the United States Department of Energy (USDOE) for the construction of a new cell for the management of mixed waste (radioactive waste with a RCRA hazardous waste component).

A. FACILITY DESCRIPTION

The Nevada Test Site (NTS) is a USDOE installation occupying 3598 km² (1,389 mi²) of federally owned land in southeastern Nye County. The NTS supports national security-related research, development and testing programs. During the course of its operations, the NTS generates and receives hazardous waste that requires disposal. Hazardous waste contains material that is toxic, corrosive, reactive, ignitable, or specifically identified by the U.S. Environmental Protection Agency (EPA) as "hazardous". Hazardous waste is managed pursuant to the Resources Conservation and Recovery Act (RCRA) at the Nevada test Site (NTS) located in Nye County, Nevada. The capacity of the cell is proposed to be 25,485 cubic meters (33,333 cubic yards). The cell will be located in the Area 5 Radioactive Waste Management Site. This area of the NTS contains other radioactive waste, mixed waste, and hazardous waste disposal cells.

B. PURPOSE OF THE PERMITTING PROCESS

NDEP is authorized pursuant to § 3006 of RCRA to administer the state hazardous waste management program in lieu of the federal program. NDEP is required to prepare a draft permit which represents, in one document, the applicable requirements with which the permittee must comply. If the permit is approved it will be issued for a five year period under the requirements of NRS 459.520(4). The application and draft permit conditions are made available for public review and comment for a period of 45 days prior to NDEP taking any final action on the application for a hazardous waste management permit.

C. PROCEDURES FOR REACHING A FINAL DECISION

Nevada Administrative Code (NAC) 444.8632 and 40 CFR § 124.10 requires that each draft permit prepared under the Resources Conservation and Recovery Act, including the application and administrative record, be made available for public comment for a period of forty-five days. The comment period will begin on October 27, 2009 and will end on December 11, 2009.

Any person interested in commenting on the application of the draft permit must do so within the 45-day comment period. Comments should include all reasonable references, factual grounds, and supporting material. A public hearing will be held, if necessary or requested, to further hear comments regarding the draft permit at the public comment period. Comments received by NDEP will be reviewed at the end of the public comment period. NDEP will then make a decision on the incorporation of final comments within the Permit and make a final decision to issue, deny, or modify the permit. Notice will be given to the applicant and each person who has submitted written comments or requested notice of final decision.

The final permit decision shall become effective thirty (30) days after the service of notice of decision unless a later date is specified or review is requested under NAC 444.8632 through NAC 444.8634 and 40 CFR § 124.19 or an appeal of the Administrator's decision is submitted to the State Environmental Commission under NRS 459.485. All permit limitations and requirements are adopted directly from NAC 444.842 through NAC 444.960, inclusive, and 40 CFR Parts 124, and 260 through 270. If no comments requested a change in the permit, the permit shall become effective immediately upon issuance.

All persons wishing to request a hearing or comment on any of the permit conditions or the permit application should do so in writing to:

Nevada Division of Environmental Protection
Bureau of Federal Facilities
ATTN: Ted Zaferatos
2030 East Flamingo Road, Suite 230
Las Vegas, Nevada 89119
702-486-2850, ext. 234
tzaferat@ndep.nv.gov

A copy of the draft permit will be available for review at the above address and at:

Pahrump Library
701 East Street
Pahrump, Nevada 89048
775-727-5930

Clark County Library
1401 E. Flamingo Road
Las Vegas, Nevada 89119
702-507-3400

Please make an appointment to review the document at the Nevada Division of Environmental Protection by calling Ted Zaferatos at 702-486-2850, ext.234. Call the library locations for available viewing hours.