



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

February 15, 2013

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: West Valley Demonstration Project Funding

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning pertaining to federal funding for the West Valley Demonstration Project (WVDP). The resolution calls for the U.S. Department of Energy (DOE) to restore federal funding for the West Valley Demonstration Project to \$75 million per year. This level of funding is necessary to meet schedules and timeframes outlined in the Final Environmental Impact Statement and the Record of Decision issued by the DOE.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner of Environmental Compliance Thomas R. Hersey, Jr. at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,


Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Commissioner Maria R. Whyte, Department of Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Environment and Planning
Re: West Valley Demonstration Project Funding
Date: February 15, 2013

SUMMARY

This memorializing resolution calls on the U.S. Department of Energy (DOE) to restore federal funding for the West Valley Demonstration Project to \$75 million per year.

FISCAL IMPLICATIONS

There are no fiscal implications for Erie County.

REASONS FOR RECOMMENDATION

Funding for the West Valley Demonstration Project (WVDP) has a direct impact on progress and schedules for work associated with the high level radioactive waste cleanup and site remediation. On January 29, 2010, the DOE issued a Record of Decision (ROD) which specifies a ten-year timetable for Phase 1 of the selected alternative "Phased Decisionmaking". Funding for the WVDP was reduced in 2012 to \$66 million and a further reduction to \$50 million is anticipated in 2013. The restoration of funding to the \$75 million level will facilitate meeting the decommissioning and study objectives specified in the ROD within the ten-year timeframe, and reduce overall long term project costs.

BACKGROUND INFORMATION

The WVDP is located 35 miles south of the City of Buffalo in the Town of Ashford in Cattaraugus County. It is the one of the most significant federal projects and employers in the Western New York region. The site is 3,345 acres, 200 of which are under control of the US DOE, and 20 acres are located in Erie County across Cattaraugus Creek at the confluence with Buttermilk Creek (tributary to Frank's and Erdman Creeks). These creeks straddle the State Disposal Area (SDA) and the NRC-Licensed Disposal Area (NDA) which are two low-level radioactive waste disposal sites. The site is located in the Great Lakes watershed and upstream from water supply intakes that supply the City of Buffalo and Erie County.

In 1980, Congress passed the West Valley Demonstration Project Act directing the U.S. Department of Energy to conduct a demonstration project for the solidification of 600,000 gallons of high level radioactive waste at the site, to decontaminate tanks and facilities in accordance with requirements prescribed by the Nuclear Regulatory Commission and transport the solidified HLRW to a federal repository. In 1982, a cooperative agreement was established between the US DOE and the New York State Energy Research and Development Agency (NYSERDA). Two hundred seventy-five (275) canisters of HLRW glass were manufactured on site in 2002 and are stored inside the Main Plant Process Building.

On January 29, 2010, the DOE issued a ROD to specify a selected alternative for the site based upon the Decommissioning and/or Long Term Stewardship Environmental Impact Statement. The alternative selected was "Phased Decisionmaking" in which the Phase 1 would be completed in ten years and would

remove major facilities, source contamination and up to 10 years for the collection and analysis of data and information.

CONSEQUENCES OF NEGATIVE ACTION

The DOE is likely to allocate reduced funding levels for the WVDP which will have a negative impact on remedial and investigative activities causing further delay in site remediation and a reduction in employment.

STEPS FOLLOWING APPROVAL

Copies of this resolution will be sent to U.S. Secretary of Energy Dr. Steven Chu; Senators Charles Schumer and Kirsten Gillibrand; Congressmen Brian Higgins and Christopher Collins; Governor Andrew Cuomo; USDOE Director of WVDP Bryan Bower; and Paul Bembia, NYSERDA Director of West Valley Site Management Program.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING**

RE: West Valley Demonstration Project Funding

WHEREAS, the West Valley Demonstration Project (WVDP) is a federal high level radioactive waste cleanup project located 35 miles south of the City of Buffalo, on the border with Erie County, within the Great Lakes watershed and upstream of fresh water intakes for Erie County residents; and

WHEREAS, WVDP is one of the largest federal projects and a significant employer in the Western New York region; and

WHEREAS, the President's 2013 budget request included only \$50 million for the WVDP; and

WHEREAS, the House Appropriations Committee Energy and Water Appropriations Bill for fiscal year 2013 also provides only \$50 million for WVDP; and

WHEREAS, the \$50 million budgeted amount represents a reduction of one third in funding for the WVDP from fiscal year 2012; and

WHEREAS, an annual cost of \$20 million is required at a minimum to maintain the facility to insure safety and protect the public from exposure; and

WHEREAS, if the WVDP receives an annual appropriation of only \$50 million, it will take approximately 20 years to complete Phase 1 decommissioning activities, twice as long as stated in the US DOE Record of Decision; and

WHEREAS, the extension of Phase 1 decommissioning work from 10 to 20 years add an additional \$200 million maintenance cost to the project; and

WHEREAS, the DOE must provide adequate funding to meet its stated ROD timeframe and obligations.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby requests the DOE to restore WVDP funding to the \$75 million level that was anticipated when the Final Environmental Impact Statement and Record of Decision were issued in 2010; and be it further

RESOLVED, that the Erie County Legislature hereby requests that this level of funding be maintained during the 10-year period specified in the Phased Decisionmaking alternative selected by the DOE in their Record of Decision; and be it further

RESOLVED, that certified copies of this resolution be prepared and sent to U.S. Secretary of Energy Dr. Steven Chu; Senators Charles Schumer and Kirsten Gillibrand; Congressmen Brian Higgins and Christopher Collins; Governor Andrew Cuomo; USDOE Director of WVDP Bryan Bower; and Paul Bembia, NYSERDA Director of West Valley Site Management Program; and be it further

RESOLVED, that certified copies of this resolution shall also be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Maria Whyte, Commissioner of Environment and Planning; Thomas Hersey, Deputy Commissioner of Environment and Planning; and Paul Kranz, P.E., Associate Engineer.