U.S. EPA NESHAP Subpart W Revisions Update

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NRC/NMA Uranium Recovery Workshop
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Provide background and status update on 40 CFR 61, Subpart W (National Emission Standard for Radon Emissions from Operating Mill Tailings under Clean Air Act)
Applies to radon emissions from operating uranium mill tailings
- Radon emissions flux standard: 20 pCi/m²-sec

After 12/15/1989, new impoundments were required to meet one of two new work practices
- Phased disposal – Impoundment size(2) ≤ 40 acres
- Continuous disposal – dewatered tailings with no more than 10 acres uncovered
- Both must meet design, construction, ground-water monitoring standards at 40 CFR 192.32(a)

Work practices were designed to achieve at least equivalent risk reductions as obtained by the numerical standard
Review of Subpart W

- Review began after receiving Notice of Intent to Sue (NOI) by two Colorado environmental groups
  - Based on EPA’s alleged failure to review & revise regulation within ten years after enactment of Clean Air Act Amendments of 1990 (11/15/2000)
  - Plaintiffs filed suit against EPA
  - Settlement agreement reached November 2009

- EPA is currently revising Subpart W, projected proposal, late this year
Subpart W, continued

- In Situ Leach/Recovery (ISL/ISR) extraction has become more commonplace since original promulgation and does not generate significant tailings, but wastes containing uranium byproduct material are placed in evaporation ponds/impoundments

- ISL/ISR, conventional mill, heap leach operations expected

- Regulatory Reviews
  - of the current standard
  - of the original EPA radon risk assessment
Background

Conventional Surface mill

Heap leaching

Uranium Recovery Methods
Subpart W, Scientific Data/Research

- Review and compile a list of existing & proposed U mill tailing facilities & the containment technologies being used, as well as proposed

- Compare & contrast those technologies with the engineering requirements of RCRA Subtitle C land disposal facilities, which are used as the design basis for existing uranium byproduct material impoundments
  
  ✓ Review regulatory history of Rad-NESHAPS and Subpart W, Tailings impoundment technologies, and radon measurement method

  ✓ Comparison of 1989 risk assessment with current risk assessment approaches (adequacy and appropriateness)
Status of 40 CFR Part 61, Subpart W

- Regulation is under formal review
- Work has reached deliberative phase, EPA workgroup is preparing options for regulation revision to Assistant Administrator.
- AA will provide direction on which options to include in preamble of proposal
- Focus has been:
  - External -- Public information meetings to address settlement agreement requirements
  - Internal -- Technical review
Communications Plan

✓ EPA is committed to maintaining an open and transparent rulemaking process

✓ Objectives:
  ▪ Inform stakeholders of potential changes in EPA’s Subpart W requirements
  ▪ Give stakeholders an opportunity to provide feedback

✓ Audiences:
  ▪ Tribes
  ▪ States
  ▪ Offices/Regions within EPA
  ▪ Other Federal Agencies
  ▪ Mining companies
Outreach

✓ Established a dedicated web site to act as an information outlet

✓ http://www.epa.gov/radiation/neshaps/subpartw/rulemaking-activity.html

✓ Site contains current and historical rulemaking documents, presentations, contact information, useful links
Outreach

✓ Quarterly conference calls to answer stakeholder questions
✓ Next call – July 7, 2011 – 11:00 AM EDT
✓ Call in number is 1-866-299-3188. You will be prompted for a conference code, which will be 2023439563. After entering the conference code press the # key and you will then be placed into the conference call
✓ Public participation by e-mail:
  ▪ subpartw@epa.gov
Thank You