



# ***U.S. EPA NESHAP Subpart W Revisions Update***

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NRC/NMA Uranium Recovery Workshop

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# Purpose of Presentation

- 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)



# 40 CFR 61 Subpart W Summary

- Applies to radon emissions from operating uranium mill tailings
  - Radon emissions flux standard: 20 pCi/m<sup>2</sup>-sec
- After 12/15/1989, new impoundments were required to meet one of two new work practices
  - ✓ Phased disposal – Impoundment size(2)  $\leq$  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

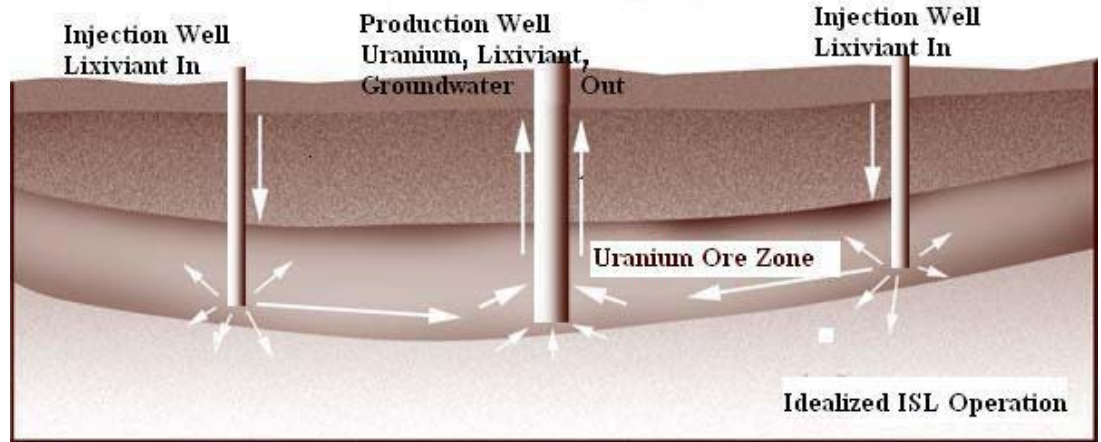
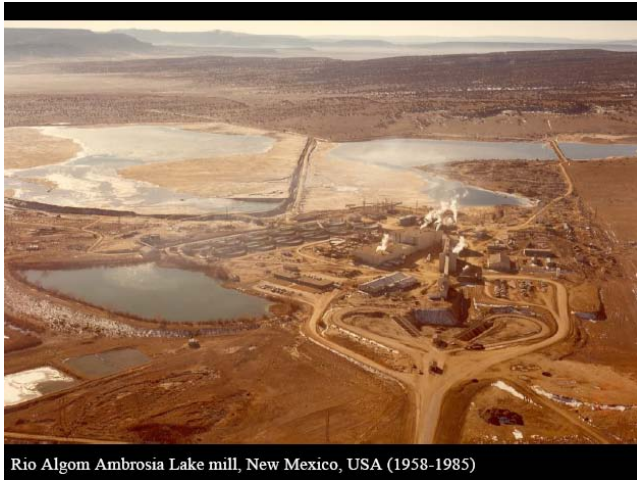


# Subpart W, continued

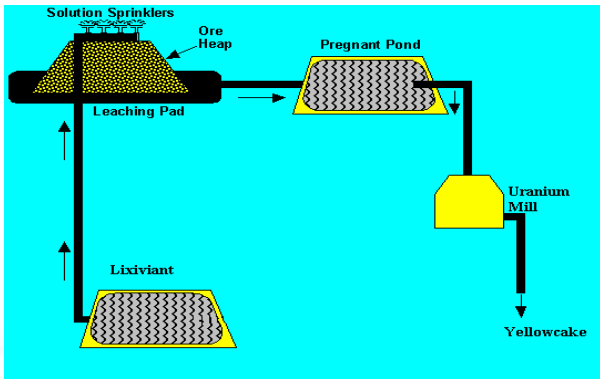
- In Situ Leach/Recovery (ISL/ISR) extraction has become more commonplace since original promulgation and does not generate significant tailings, but wastes containing uranium byproduct material are placed in evaporation ponds/impoundments
- ISL/ISR, conventional mill, heap leach operations expected
- Regulatory Reviews
  - ✓ of the current standard
  - ✓ of the original EPA radon risk assessment



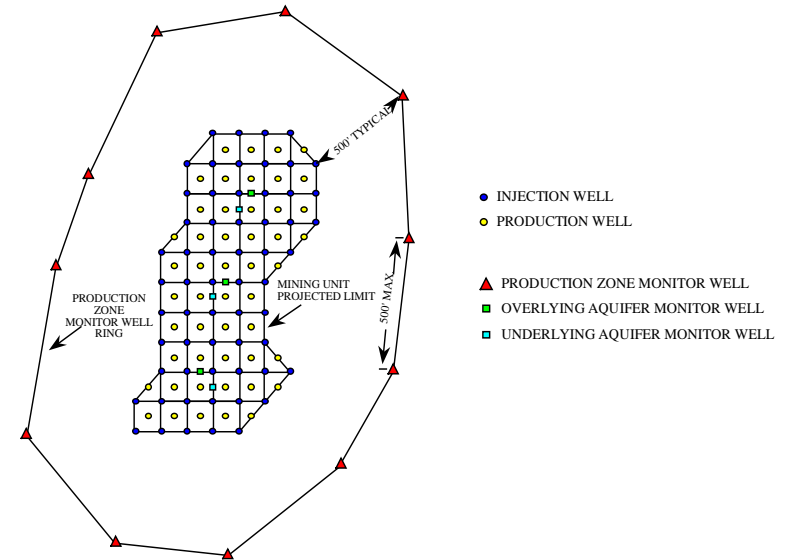
# Background



## Conventional Surface mill



## Heap leaching





# 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](mailto:subpartw@epa.gov)



# Thank You

