

STATE WATER RESOURCES CONTROL BOARD	DATE: 10/16/2001
--	------------------

FROM Jan Stepek	DIVISION/REGION: DCWP	PHONE: 341-5777
---------------------------	---------------------------------	---------------------------

To:

Executive Office (EXEC)	Div of Clean Water Programs (DCWP)	Div. of Admin. Services (DAS)
Office of Employee Assistance (OEA)	Div of Water Rights (DWR)	Personnel & Training
Office of Statewide Initiatives (OSI)	Div of Water Quality (DWQ)	Contracts Office:
Office of Information Technology (OIT)		Accounting Office:
Office of Legislative & Public Affairs (OLPA)		Budget Office:
Office of the Chief Counsel (OCC)	Reproduction & Mail Unit.	Program Analysis Office:

ACTION

<input type="checkbox"/> Appropriate Action	<input type="checkbox"/> Signature	<input type="checkbox"/> Review & Return	<input type="checkbox"/> Information
<input type="checkbox"/> Approval	<input type="checkbox"/> Reply-Copy to Me	<input type="checkbox"/> Per your Request	<input type="checkbox"/> File

COMMENTS:

(This area is currently blank)

U. S. POSTAL SERVICE

<input type="checkbox"/> EPA San Francisco	<input type="checkbox"/> Water Quality Control Institute (San Marcos)
--	---

REGIONAL WATER QUALITY CONTROL BOARDS

<input type="checkbox"/> 1 - Santa Rosa/North Coast	<input type="checkbox"/> 5 - Sacramento/Central Valley	<input type="checkbox"/> 6 - Victorville/Lahontan
<input type="checkbox"/> 2 - Oakland/San Francisco Bay	<input type="checkbox"/> 5 - Fresno/Central Valley	<input type="checkbox"/> 7 - Palm Desert/Colorado River Basin
<input type="checkbox"/> 3 - San Luis Obispo/Central Coast	<input type="checkbox"/> 5 - Redding/Central Valley	<input type="checkbox"/> 8 - Riverside/Santa Ana
<input type="checkbox"/> 4 - Los Angeles/Los Angeles	<input checked="" type="checkbox"/> 6 - South Lake Tahoe/Lahontan Harold Singer	<input type="checkbox"/> 9 - San Diego/San Diego



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Clean Water Programs
1001 I Street, Sacramento, California 95814
P O Box 944212, Sacramento, California 94244-2120
(916) 341-5700 ♦ FAX (916) 341-5707 ♦ www.swrcb.ca.gov



Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

TO: Barbara Byron
California Energy Commission

10-339 OCT 20 2001

TP

FROM:  Barbara L. Evoy, Chief
DIVISION OF CLEAN WATER PROGRAMS

DATE: OCT 16 2001

SUBJECT: COUNTY OF INYO COMMENTS ON THE YUCCA MOUNTAIN
PRELIMINARY SITE SUITABILITY EVALUATION (PSSE)

At your request, we have reviewed the September 18, 2001, letter from County of Inyo regarding the PSSE released by the Department of Energy (DOE) for public comment. You specifically requested us to address the comment by Inyo County on the DOE Topic #2 regarding the U.S. Environmental Protection Agency (USEPA) radiation standards; Page 4, paragraph 2:

“DOE TOPIC #2

If the Secretary (of the DOE) determines that the scientific analysis indicates that the Yucca Mountain site is likely to meet the applicable radiation protection standards established by the USEPA and the Nuclear Regulatory Commission (NRC), do you believe that the Secretary should proceed to recommend the site to the President at this time? If not, please explain.

INYO COUNTY RESPONSE TO DOE TOPIC #2:

The USEPA’s radiation protection standards allow for the destruction of those aquifers that provide sustenance for humans and Federally-protected natural habitat in both the Amargosa Valley and Death Valley National Parks. These standards are entirely unacceptable to Inyo County. No proposal/design that allows the release of radioactive materials from the repository should be recommended to the President. DOE should concede that the necessary hydrogeologic prerequisites necessary to isolate nuclear waste from the human environment are not present at the Yucca Mountain site and, to the extent possible given that it is working directly under a specific Congressional mandate not of its own choosing, seek further direction from Congress regarding the issue of long-term handling of spent fuel and high-level nuclear waste.”

SWRCB COMMENT:

The following is the information we have available regarding the USEPA standard for protection of water quality referenced in the County of Inyo letter.

The USEPA standard requires that for 10,000 years, the Yucca Mountain waste disposal system must meet the same standards as for radionuclides under the Safe Drinking Water Act (15 millirem annual dose standard from all exposure pathways and 4 millirem standards for groundwater). Radionuclides concentration ($\mu\text{g/L}$) in drinking water define potential annual dose (mrem).

The new standards for radionuclides concentrations in drinking water were published by the USEPA on December 7, 2000, in the Federal Register, 40 CFR Parts 9, 141 and 142, National Primary Drinking Water Regulations; Radionuclides; Final Rule. The USEPA rule states that it had considered a 20 $\mu\text{g/L}$ standard for uranium in drinking water, but based on comments from the California Department of Health Services (DHS), the Federal Maximum Concentration Level (MCL) was established at 30 $\mu\text{g/L}$.

The State of California currently has an MCL for uranium of 20 pCi/L (enforced as 35 $\mu\text{g/L}$), which it adopted in 1989. The State of California asserted that because uranium and other radionuclides are naturally occurring at elevated levels in California groundwater, one-third of the community water systems would not be able to attain the lower standard. The USEPA, in setting the uranium MCL at 30 $\mu\text{g/L}$, agreed that the benefits of an MCL at 20 $\mu\text{g/L}$ do not justify the cost to community water systems.

Thank you for the opportunity to continue to provide input to the siting process of the Yucca Mountain site. If you have any questions regarding these comments, please contact Jan Stepek at (916) 341-5777 or via email at stepekj@cwp.swrcb.ca.gov.

cc: Harold Singer, Executive Officer
Lahontan Regional Water Quality Control Board
South Lake Tahoe Office

Tim Post, Associate Engineering Geologist
Lahontan Regional Water Quality Control Board
Victorville Office