

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

RESOLUTION NO. 89-060

A RESOLUTION ADOPTING A
MEMORANDUM OF AGREEMENT BETWEEN THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION
AND THE
DEPARTMENT OF HEALTH SERVICES FOR THE
REGULATION OF LOW-LEVEL RADIOACTIVE WASTE

WHEREAS, a site in the Colorado River Basin Region has been selected for the disposal of low-level radioactive waste under the authority of the Low-Level Radioactive Waste Policy Act of 1980, as amended, 42 U. S. C. Sections 2021b et seq.; and

WHEREAS, the Department of Health Services (Department) has the statutory responsibility to issue licenses for and regulate low-level radioactive waste disposal facilities under the Radiation Control Law, Health and Safety Code, Sections 25800 et seq., Chapter 7.6; and

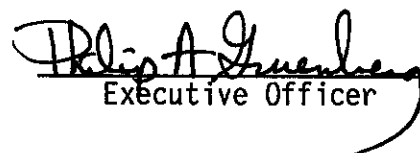
WHEREAS, The Radiation Control Law authorizes the Department to enter into agreements with other State agencies to conduct technical evaluations of the license applications and to participate in inspections of facilities; and

WHEREAS, The Regional Board has the statutory responsibility under the Porter-Cologne Water Quality Control Act, Water Code Sections 13000 et seq., to issue waste discharge requirements for radioactive waste discharges within the Colorado River Basin Region; and

WHEREAS, The Department and the Regional Board have prepared a Memorandum of Agreement (MOA) establishing the procedures for (1) coordinating the Regional Board's review of the license applications, (2) coordinating the Department's licencing process with the Regional Board's issuance of waste discharge requirements, (3) eliminating duplication of effort among the State agencies in meeting their statutory obligations, and (4) participating in inspections; now,

THEREFORE, BE IT RESOLVED, that this Regional Board adopts the Memorandum of Agreement set forth in the attached document "Memorandum of Agreement between the Regional Water Quality Control Board, Colorado River Basin Region, and the Department of Health Services", to be signed by the Director, Department of Health Services, and the Chairman of the California Regional Water Quality Control Board, Colorado River Basin Region.

I, Phil Gruenberg, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region on June 28, 1989.


Executive Officer

MEMORANDUM OF AGREEMENT
BETWEEN THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, COLORADO RIVER BASIN REGION
AND THE
DEPARTMENT OF HEALTH SERVICES

Purpose

The purpose of the Memorandum of Agreement (MOA) is to establish procedures governing the role of the California Regional Water Quality Control Board, Colorado River Basin Region, (Regional Board), in the licensing and regulation of facilities for the disposal of low-level radioactive waste, including radioactive mixed waste. These procedures are intended to provide a coordinated approach to avoid duplication of requirements and to satisfy the statutory obligations of both parties to this MOA. A preferred site in the Colorado River Basin Region has been proposed for the disposal of low-level radioactive waste under the authority of the Low-Level Radioactive Waste Policy Act of 1980 as amended, 42 U.S.C. Sections 2021b et seq.

General

Responsibilities of the Agencies

The Department of Health Services (Department) has the statutory responsibility to issue licenses for and regulate low-level radioactive waste disposal facilities under the Radiation Control Law, Health and Safety Code, Sections 25800 et seq., Chapter 7.6.

The Radiation Control Law, Health and Safety Code, Section 25810, authorizes the Department to enter into agreements with other state and local agencies to conduct technical evaluations of the license application and to participate in inspections. The Radiation Control Law also requires the Department to consult with other state agencies when it develops plans under Section 25811.5 of the Health and Safety Code for the management, treatment, and disposal of low-level radioactive waste generated within California.

The Regional Board has the statutory obligation under the Porter-Cologne Water Quality Control Act, Water Code Section 13000 et seq., to issue waste discharge requirements for radioactive waste discharges within the Colorado River Basin Region. As authorized by the Radiation Control Law, the Regional Board also will review and comment on license applications for facilities within the Region as provided by this MOA and participate in inspections of such facilities licensed under the Radiation Control Law.

Scope of Agreement

The following procedures have been formulated and adopted by the Department and the Regional Board to: (1) coordinate the Regional Board's review of the license application; (2) coordinate the Department's licensing process with the Regional Board's issuance of waste discharge requirements; and (3) eliminate duplication of effort among the State agencies in meeting their statutory obligations.

Procedures

License Application

1. Application: The low-level radioactive waste disposal operator must file a license application for the facility with the Department. The Department will forward a copy of the application to the Regional Board for its review and comment. Information provided to the Regional Board should include all information provided to the Department. The Regional Board shall provide its comments to the Department within 60 days of receipt of the complete license application.

2. Review and Consultation: During review of the license application, the Department and the Regional Board shall consult with one another, as necessary, and may require the applicant to submit additional data, as necessary, to meet statutory and regulatory requirements. Additional data required by the Regional Board, if reasonably available, shall be forwarded upon request.

The Regional Board may comment on any aspect of the license application related to water quality. In its review, the Regional Board should identify any aspects of the license application that pose water quality problems. The Regional Board should propose conditions necessary to satisfy its statutory obligations and to resolve any identified water quality problems. The Department and the Regional Board shall consult to informally resolve any conflicts. If the Department and the Regional Board cannot resolve conflicts informally, such conflicts will be resolved by the Director of the Department and the Chairman of the Regional Board.

3. Permit Preparation and Issuance: The Department will prepare a draft license, incorporating by reference waste discharge requirements, to the extent required by law. The Department will provide a copy of the draft license to the Regional Board. The Regional Board shall have 60 days to comment on the draft license.

If no response is received from the Regional Board by the end of the comment period, the draft license will be presumed to be acceptable to the Regional Board.

The Department will furnish a copy of the final license to the Regional Board.

Waste Discharge Requirements

1. Application: The license applicant shall file a Report of Waste Discharge and appropriate filing fee with the Regional Board within 30 days after Department notification that a complete license application has been submitted. The Regional Board will review the Report of Waste Discharge in accordance with applicable state requirements.

If the Report of Waste Discharge is not adequate in the judgment of the Regional Board, the Board may require the applicant to supply additional information.

The Regional Board will prepare draft waste discharge requirements for the facility and provide them to the Department when it provides its comments

on the license application. The Department shall provide comments to the Regional Board within 45 days of receipt of the draft waste discharge requirements.

In its review, the Department should identify provisions in the draft requirements that are duplicative of or in conflict with its statutory obligations related to the Radiation Control Law. The Department should propose conditions necessary to satisfy its statutory obligations and to resolve any identified conflicts. The Department and the Regional Board shall consult to informally resolve any conflicts. If the Department and the Regional Board cannot resolve conflicts informally, such conflicts will be resolved by the Director of the Department and the Chairman of the Regional Board.

If no response is received from the Department by the end of the comment period, the requirements will be presumed to be acceptable to the Department. The Regional Board will not issue final waste discharge requirements until all final environmental documents are completed and any necessary mitigation measures are identified. If approved, the Regional Board will issue final waste discharge requirements at a regularly scheduled public meeting of the Board. The Regional Board will furnish a copy of the final requirements to the Department.

Inspections and Enforcement Coordination

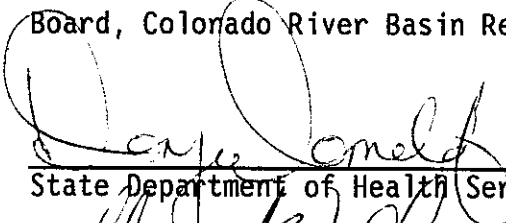
Any officer, employee, or agent of the Department or the Regional Board has the authority to enter the facility at any reasonable time for inspection purposes.

Each party to this MOA will notify the other party of any problems it identifies during its inspection activities. If a determination is made that the licensee is violating any terms of the waste discharge requirements, the Regional Board shall take any necessary actions to assure that compliance is achieved. If a determination is made that the licensee is violating any terms of the license, the Department shall take any necessary actions to assure that compliance is achieved.

Modification of This Agreement

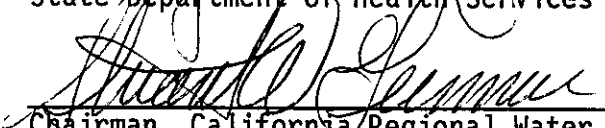
This agreement will be effective upon signature by the designated parties. The agreement may be modified upon the initiative of either party for the purpose of ensuring consistency with State or Federal Statutes or regulations, or for any other purpose mutually agreed upon. Any such modifications must be in writing and must be signed by the Director of the Department of Health Services and the Chairman of the Regional Water Quality Control Board.

Memorandum of Agreement Between the California Regional Water Quality Control Board, Colorado River Basin Region, and the Department of Health Services



State Department of Health Services

10/31/89
Date



Chairman, California Regional Water Quality Control Board, Colorado River Basin Region

Sept 21 1989
Date