

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY
Minutes of the 71st Waste and Facilities Management Committee Meeting
Held on January 25, 2023

Pursuant to a notice and agenda dated January 13, 2023, the seventy-first (71st) meeting of the Waste and Facilities Management Committee (“Committee”) of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (“Authority”) was convened at 11:00 a.m. on Wednesday, January 25, 2023, at the NY Green Bank (“NYGB”) Office located at 1333 Broadway, Suite 300, New York, New York and at the Authority’s Albany Office located at 17 Columbia Circle, Albany, New York. The two locations were connected by videoconference.

The following Members of the Committee were present:

Charles Bell, *Vice Chair of the Authority and Committee Chair* attended from NYGB

Richard Kauffman, *Chair of the Authority* attended from NYGB

Sherburne Abbott attended from NYGB

Arturo Garcia-Costas attended from NYGB

Also present were Doreen Harris, President and CEO; John Williams, Executive Vice President for Policy and Regulatory Affairs; Pam Poisson, Chief Financial Officer; Peter J. Costello, General Counsel and Secretary to the Authority; Janice Dean, Deputy Counsel and Secretary to the Committee; and various other staff of the Authority.

Committee Chair Bell called the meeting to order and noted the presence of a quorum. Notice of this meeting was provided to the Committee Members on January 13, 2023 and to the Press on January 17, 2023.

Committee Chair Bell indicated that the first item on the agenda concerned the approval of the minutes of the seventieth (70th) Committee meeting held on October 3, 2022.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Committee Members, the minutes of the seventieth (70th) Committee meeting held on October 3, 2022, were approved.

Committee Chair Bell indicated that the next item on the agenda was to receive a report from the Authority's Chief Financial Officer, Pam Poisson, regarding the Authority's Fiscal Year 2023-2024 Budget for the West Valley site management program and radioactive waste policy and nuclear coordination activities.

CFO Poisson began by requesting that the Committee adopt a resolution recommending the approval of its portions of the Authority's Budget for the Fiscal Year ending March 31, 2023 ("FY 2023-24"). Next, CFO Poisson reported that the budget for the West Valley program is proposed at \$25.8 million, an increase of \$2.2 million from the current year budget representing the State's share of costs at the site under the Cooperative Agreement and Consent Decree. CFO Poisson also noted that costs for maintenance and monitoring activities at the State Licensed Disposal Area are anticipated to increase by approximately \$284,000 with a decrease in other NYSERDA-managed portions of the Center of about \$139,000. Lastly, CFO Poisson indicated that the federal funding for the fiscal year has increased by about \$900,000 to \$93.4 million. CFO Poisson noted that the budget included funding to meet the State's requirements under the State Low-Level Radioactive Waste ("LLRW") Management Act of 1986, funded with \$150,000 suballocated from a Department of Health appropriation which is funded by a fee assessed on nuclear power plant operation.

Committee Chair Bell noted the attendance of Member Garcia-Costas.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Committee Members, the following resolution was adopted.

Resolution No.

RESOLVED, that the proposed fiscal year 2023-24 Budget and Financial Plan submitted to the Members for consideration at this meeting, with such non-material, editorial changes and supplementary schedules as the President and Chief Executive Officer, in their discretion, may deem necessary or appropriate, be and it hereby is recommended for approval by the Board for submission to the persons designated in Sections 1867(4) and 2801 of the Public Authorities Law.

Committee Chair Bell indicated that the next item on the agenda was to receive a status report on the West Valley Site Management Program activities. This item was presented by Program Director, Paul Bembia with Program Managers Brad Frank and Andrea Mellon.

Brad Frank provided the Committee with an update on the demolition of the Main Plant Process building in West Valley and showed a video developed by the Department of Energy in conjunction with the site's Prime Contractor that demonstrates the demolition process which can be found at: <https://www.youtube.com/watch?v=kobznp07Mow&themeRefresh=1>.

In response to an inquiry from Member Abbott regarding air circulation and the location of air monitors, Brad explained that the planned demolition approach to work from south to north isn't based on wind direction or speeds, but is to allow for the easiest and most efficient disposal of waste given the location of rail and roads near the site, and the air monitoring network around the main plant is designed to monitor air circulation patterns and capture any emissions that may be leaving the demolition site.

In response to an inquiry from Member Garcia-Costas regarding the location of a building referenced in the video, Brad explained that the two structures left standing are the empty fuel storage pool that will be part of the Phase 1B soil removal project, and the Product Purification Cell South, and noted that the best way to bring that building down is still being determined and will be provided in an upcoming video.

In response to an inquiry from the Chair regarding the destination for demolition material, Brad indicated that the demolition material will be taken offsite, except two pipes in the Main Plant

Process building that are to be classified as transuranic waste that do not have a disposal path at this point.

In response to a follow-up inquiry from the Chair regarding the status of the defense waste determination, Brad stated that West Valley is still at an impasse with DOE and that the Authority's position is that defense operations have been conducted at West Valley. Deputy Counsel Janice Dean stated that there is no pending, active request to relocate the high-level waste at this time that would trigger the resolution of this question, and she confirmed the Authority's commitment to finding options for relocation of the transuranic waste.

In response to an inquiry from Committee Chair Bell, Brad confirmed that there is no commercial facility that can receive high level waste, but that there is a DOE facility that could receive this waste.

In response to an inquiry from Committee Chair Bell regarding the classification of waste shipped in intermodal waste, Brad indicated that there is some low-level radioactive waste material in the 67 intermodal containers that has been shipped to Clive, Utah for low level commercial waste disposal.

In response to an inquiry from Committee Chair Bell regarding disposal of water used for dust suppression, Brad explained that the water is captured in evaluation tanks on site where it is tested for radioactive materials, all of which so far collected has been below the threshold, so it was treated on site with no issue. In the event the water was unable to be treated on site, Brad noted that West Valley has open contracts to send it offsite for treatment. Committee Chair Bell and Member Abbott commended the staff on their presentation and the video presentation.

Andrea Mellon provided the Committee with an update on the North Slope stabilization project at the State-Licensed Disposal Area (SDA). Andrea stated that the Geotechnical Investigation that was completed in Spring of 2022 confirmed that the soil movement was occurring from the loose soils placed on the slope during the SDA construction. Andrea indicated that the construction of the North Slope stabilization project was designed to focus on the removal

of these soils, redirecting surficial water that moves through the slope and the reduction in the steepness of the slope. In addition, Andrea noted that through design implementation improvements, West Valley was able to reduce the volume of excavated soils from 5,000 to approximately 3,600 cubic yards, approximately a 28% decrease. Lastly, Andrea reported that all construction work has been safely and successfully completed, with minor restoration activities to be completed in the Spring of 2023. Andrea provided a number of photographs to detail ongoing work at the SDA.

Paul noted that at the last Committee meeting there was a question on decreasing leachate levels that are observed in the SDA disposal trenches and in response provided the Committee with an update on the geology and hydrology of the SDA. Paul explained that there is a downward movement of water from the trenches, but the hydrologic and geochemical properties of the clay, and the properties of the trench constituents limit their distance of movement from the trenches. Paul noted that West Valley regularly samples groundwater wells surrounding the SDA in the weathered and unweathered Lavery Till and in the underlying Kent Recessional Sequence and noted that all results are below drinking water standards, confirming that there is not significant movement of constituents from the trenches.

In response to an inquiry from the Chair, Paul reiterated that the same framework for the geology and hydrology described for the SDA applies at an area of the NRC-Licensed Disposal Area called the deep disposal holes as to water flow rate. In response to a follow-up inquiry from the Chair regarding options for the site, Paul indicated that West Valley and DOE are working together on an Environmental Impact Statement (“EIS”) and the range of options and impacts from the different decommissioning options will be presented in the Supplemental EIS.

In response to an inquiry from Member Abbott regarding anticipated timing of the EIS, Brad indicated that the draft SEIS is anticipated to be released for public comment in 2025.

In response to an inquiry from the Chair regarding Authority cost share for potential future actions at the NDA, Paul indicated that the cost share for the NDA has been determined in the consent decree and would be a 50/50 split.

Member Abbott thanked the staff for their good work on the site, and for their extensive efforts towards federal and state coordination, noting the importance of this work as a case study for both academic audiences and audiences beyond academia.

Committee Chair Bell indicated that the next item on the agenda was to receive a status report on the Authority's various facilities and asked Chief Financial Officer, Pam Poisson to present this item.

CFO Poisson provided the Committee with an update regarding the Authority's office space. CFO Poisson stated that the Authority maintains offices in Albany, New York City, Buffalo and West Valley. The Authority owns its primary headquarters building at 17 Columbia Circle in Albany, supplemented by leased office space at 15 Columbia Circle with a lease expiration date in June 2024. Other locations outside of Albany are also leased, with terms currently carrying out to 2026 and 2027. CFO Poisson indicated that upcoming lease expiration in mid-2024 at the supplemental Albany office space, combined with increased telework as pandemic-driven changes allow employees to be productive working remotely, present a potential material savings opportunity. CFO Poisson explained that the Authority is revisiting the potential to consolidate our Albany office space and noted that operating costs could be reduced by approximately \$550,000/year ongoing while also reducing the Authority's carbon footprint. CFO Poisson indicated that as a starting point, the Authority is drawing upon past analyses regarding potential office consolidation costs and leveraging work done by the Authority in 2021 to identify improvements likely to boost employee engagement, retention, and productivity, ultimately improving ratepayer value.

Lastly, CFO Poisson provided the Committee with a list of near-term action items proposed by the Authority such as to incorporate into the next fiscal year budget a placeholder for capital investment and noted that \$2.6 million is included in this year's budget subject to Board approval; to conduct a deep-dive analysis in consultation with outside experts to verify assumptions regarding likely office configuration costs; proceed with an RFP process for a general contractor intended to manage the initiative; hold a decision checkpoint with the Committee in April to share

the results of our analysis; and to proceed with “no regrets” updates to all office spaces to which the Authority is committed through at least 2026.

In response to an inquiry from the Chair, CFO Poisson indicated that there will be additional capital to the \$2.6 million included in the budget and explained that the \$2.6 million is a preliminary estimate based on past consolidation work.

In response to an inquiry from the Chair, CFO Poisson indicated that there would be additional funding needed, but that looking at this from a financial analysis perspective means looking at how to keep this net to budget while consolidation work is being done and then lowering the costs ongoing so that the ongoing operating costs can be diverted to program support.

Committee Chair Bell indicated that the next item on the agenda was to consider and act upon a resolution to enter into executive session for the purpose of discussing a proposed sale of real property.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Committee Members, the following resolution was adopted.

Resolution No.

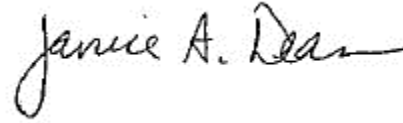
RESOLVED, that pursuant to Section 105 of the Public Officers Law, the Members of the Waste and Facilities Management Committee shall convene in executive session on January 25, 2023 for the purpose of discussing the proposed sale of real property.

Following the executive session, Committee Chair Bell reconvened the meeting in open session and confirmed that no formal action was taken during the executive session.

Committee Chair Bell indicated that the last item on the agenda was other business. There being no other business, Committee Chair Bell called for a motion to adjourn.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Committee Members, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Janice A. Dean". The signature is written in black ink and is positioned to the right of the typed name.

Janice A. Dean
Secretary to the Committee



NYSERDA

KATHY HOCHUL
Governor

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
President and CEO

NOTICE OF MEETING AND AGENDA

January 13, 2023

TO THE MEMBERS OF THE WASTE AND FACILITIES MANAGEMENT COMMITTEE:

PLEASE TAKE NOTICE that the seventy-first (71st) meeting of the WASTE AND FACILITIES MANAGEMENT COMMITTEE of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (the “Authority”) will be held at the NY Green Bank Office located at 1333 Broadway, New York, New York, and at NYSERDA’s Albany Office located at 17 Columbia Circle, Albany, New York, on Wednesday, January 25, 2023, commencing at 11:00 a.m., for the following purposes:

1. To consider the Minutes of the seventieth (70th) meeting of the Committee held on October 3, 2022.
2. To receive a report from the Chief Financial Officer and to consider and act upon a resolution recommending approval of regarding the Authority’s Fiscal Year 2023-2024 Budget.
3. To receive a status report on West Valley Site Management Program activities.
4. To receive a status report on the Authority’s various facilities.
5. To consider and act upon a resolution to enter into executive session for the purpose of discussing a proposed sale of real property.
6. To transact such other business as may properly come before the Committee.

Members of the public may attend the meeting at any of the above locations or via the video conference which can be accessed at <https://www.nyserda.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.

The Authority will be posting a video and a transcript of the meeting to the web as soon as practicable after the meeting. The video and transcript will be posted at <http://www.nyserda.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.

Janice A. Dean
Secretary to the Waste and Facilities
Management Committee

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