



Department of Energy

Carlsbad Area Office
P. O. Box 3090
Carlsbad, New Mexico 88221

February 11, 2000



Mr. John E. Kieling, Acting Manager
RCRA Permits Management Program
State of New Mexico Environment Department
2044-A Galisteo
P. O. Box 26110
Santa Fe, New Mexico 87502

Subject: TRANSMITTAL OF RECAP OF INFORMATION MEETING BETWEEN WIPP
AND NMED REGARDING WIPP SWMUs/AOCs

Dear Mr. Kieling:

The Carlsbad Area Office/Department of Energy (CAO) would like to thank you and your staff for the productive meeting which was held at the New Mexico Environment Department Radioactive and Hazardous Materials Bureau (NMED) on February 1, 2000. The primary purpose of the meeting was to discuss the path forward for the Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) included in Module VII of the Hazardous Waste Permit for the Waste Isolation Pilot Plant (WIPP). The meeting served as a significant step in building a technical dialog with NMED for appropriate closure of the SWMUs and AOCs listed in the WIPP Hazardous Waste Permit.

The purpose of this letter is to: (1) document the areas of agreement with NMED from the meeting, (2) identify defined action items, and (3) document the agreed upon path forward for the SWMUs and AOCs.

Attendees

The following individuals attended the meeting on February 1, 2000:

- John Kieling (NMED/HRMB)
- Steve Zappe (NMED/HRMB)
- John Young (NMED/HRMB)
- Barbara Malczewska-Toth (NMED/HRMB)
- Tim Michael (NMED/DOE Oversight Bureau)
- Ralph Ford-Schmid (NMED/DOE Oversight Bureau)
- Cynthia Zvonar (CAO)
- Ines Triay (CAO)
- Linda Frank-Supka (WID)
- Robert Zimmer (Harding Lawson Associates)



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Areas of Agreement

There were a number of areas where general agreement was reached. Each area of agreement is summarized briefly below.

1. The CAO will submit the Facility Work Plan required by the Permit by February 24, 2000.
2. Recent soil sampling and analysis for thallium completed at five SWMUs (001k, 001m, 001n, 001s, and 001t) is sufficient to demonstrate that no further action (NFA) is required for these SWMUs.
 - The sampling that has been completed at the five SWMUs will be described in the RCRA Facility Investigation (RFI) Work Plan (or the Sampling and Analysis Plan under the NMED Accelerated Corrective Action Approach [ACAA]) due to NMED on May 24, 2000
 - The results of the sampling at these SWMUs will be documented in the RFI Report and an NFA request to NMED
 - Based on the preliminary sample results thallium will be eliminated as a constituent of concern for investigations at other SWMUs and AOCs
3. The decision criteria proposed by the WIPP for the RFI or ACAA were acceptable to NMED.
 - CAO will define the approximate vertical and horizontal extent of hazardous constituent concentrations at each of the SWMUs within 50 percent
 - CAO will document that the future land use of the Land Withdrawal Area is industrial
 - CAO will use the U.S. Environmental Protection Agency (EPA) Region VI industrial screening criteria for SWMU inorganic constituents to evaluate risk associated with the SWMUs and AOCs
 - CAO will independently verify the screening level values for each constituent of concern at the SWMUs and AOCs
4. WIPP's proposed sampling strategy for the SWMUs and AOCs is acceptable to NMED.
 - WIPP will reevaluate the current data sets for shallow and deep background samples collected during the Voluntary Release Assessment program and combine them to determine background levels
 - WIPP will collect a total of three additional samples at designated SWMUs (two samples from within the SWMU and one sample from outside the SWMU)
 - WIPP will collect a total of four additional samples at designated AOCs (three samples from within the AOC and one sample from outside the AOC)
 - If possible, a direct push or a comparable sampling methodology will be used for sample collection at designated SWMUs and AOCs
 - If possible, WIPP will collect continuous core samples from the surface to a depth 12 to 24 inches below the potential source material
 - The laboratory will utilize SW-846 methods to obtain a representative sample from each of two vertical intervals and analyze the soil for the constituents of concern identified in the October 27, 1999 Technical Support Document for a particular SWMU (excluding thallium)

- For drilling mud pits AOCs, the samples for each vertical interval will be analyzed for barium, chromium, lead, and nickel
 - No additional sampling is proposed for SWMUs 001g and 001j as the reevaluation of background data demonstrates that no release has occurred at these two SWMUs.
 - No sampling is proposed for the Exhaust Shaft Sump and the Waste Shaft Sump AOCs (AOCs 010b and 010c). These AOCs are part of the facility and waste handling operations for WIPP. The facility is designated for disposal of mixed waste. In addition, the entire facility (including these AOCs) will be closed upon completion of operations. For these reasons, CAO and NMED agreed that no investigations were necessary. CAO will prepare documentation and justification for no further action for these AOCs after which NMED will remove these AOCs from the RCRA Permit.
 - The proposed sampling locations for the remaining SWMUs are acceptable. The DOE will reevaluate proposed sampling locations, as necessary, to reflect existing topographic relief in the vicinity of each SWMU and drilling mud pit AOC.
 - A few additional samples are proposed for SWMUs 001o, 01p, and 01q. Assuming that the concentrations of the constituents of concern are below the selected risk-based screening criteria, no corrective actions will be proposed for these SWMUs. Site reclamation would occur as specified in the WIPP Land Management Plan.
5. No decisions were reached regarding the need for additional ecological evaluations. The CAO will await NMED review of the risk assessment document submitted on September 14, 1998.

Action Items

There were few action items identified during the meeting. These action items follow.

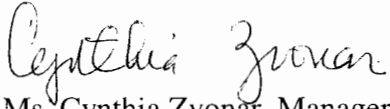
1. NMED will evaluate the applicability of the ACAA or the Voluntary Corrective Action (VCA) to the WIPP SWMUs and AOCs, instead of the RFI process. NMED will provide a written opinion by February 10, 2000.
2. NMED will provide a copy of their final risk assessment guidance by the end of February 2000.
3. NMED will provide CAO comments on the Human Health and Ecological Risk Assessment (DOE/WIPP 98-2292) report for SWMUs by the end of March 2000.
4. NMED will remove the AOCs 010b and 010c (sumps) from the RCRA Permit after supporting information has been provided.

Path Forward

The CAO is required to submit the RFI Work Plan (or ACAA sampling and analysis plan, or VCA plan) to NMED by May 24, 2000. The CAO will prepare briefing materials on this document for another meeting with NMED tentatively scheduled for mid-March 2000.

The CAO is pleased to provide this summary of the February 1 meeting with NMED. If you have any questions regarding this letter, please call me at telephone number (505) 234-7495 or Ms. Linda Frank-Supka at telephone number (505) 234-8816.

Sincerely,


Ms. Cynthia Zvonar, Manager
RCRA Compliance

cc:

I. Triay, CAO
G. Basabilvazo, CAO
J. Bearzi, NMED
S. Zappe, NMED
L. Frank-Supka, WID
K. Donovan, WID