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FAX COVER SHEET

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From: Steve Zappe
Number of Pages (including this cover sheet): 7

COMMENTS

Jody -

As promised, here is the list of items I'd like to discuss with you and Bob Kehrman regarding our determination of previously submitted Class 1 modifications. The items in bold letters are either rejected or not yet implemented for the reasons indicated. The other items are either points of discussion I had with TechLaw or are modifications slightly different than you proposed. I will come prepared to discuss these tomorrow afternoon. I'll stop by your office when I arrive in Carlsbad.

Steve

000511



November 10, 1999 Class 1 Permit Modification Requests

Item 3. Language change is satisfactory, in that it does not specify how the determination is made. 40 CFR §268.7 states in relevant part: "... the generator must (test, test, or use knowledge) to determine if the waste is restricted from land disposal under this part."

See notes

Item 5.C The Permit elsewhere includes the reference to only requiring analysis for PCBs in solidified organic waste matrix codes (e.g., see footnote d to Table B-4, footnote d to Table B3-6), and it appears obvious that the missing footnote on Table B1-4 is a typographical error. However, the body of the text of the WAP is not so exclusive (e.g., see B-3d(1)(a), Sampling of Newly Generated Homogenous Solids, which states "Newly generated mixed waste streams of homogeneous solids will be randomly sampled a minimum of once per year for total PCBs, VOCs, SVOCs and metals." Section B-3d(1)(b) Sampling of Newly Generated Soils/Gravels, is not specific, but states "Newly generated soils/gravel waste will be generated primarily by remediation or decontamination and decommissioning (D&D) activities. Process controls for these types of waste cannot readily be defined and, therefore, sampling cannot follow that used for newly generated homogenous waste."). It would appear the limitation to analysis for PCBs to solidified organic wastes would preclude the requirement to sample soils where there is the uncertainty whether PCBs may be present (i.e., from leaking transformers, etc.) which NMED finds unacceptable. Therefore, this proposed Class 1 modification is rejected, and the Permittees need to resubmit a more comprehensive modification which will address all references to sample and analysis requirements for PCBs for S3000 and S4000 wastes within the Permit. This will likely be a Class 2 modification request.

Item 5.K The modification to remove the word "core" still requires the use of "EPA approved methods" for sampling containers regardless of size. Thus, while it gives the Permittees the necessary flexibility to identify and use alternate sampling methods for "uncoreable" homogeneous waste (e.g., pyrochemical salts), such methods must still satisfy the overall requirement of the sample being representative of the waste.

Agreed

Item 5.O Note that I put the redline language after "coring tools" rather than "fully assembled" in the sentence to make more sense. It now reads "In accordance with SW-846 (EPA 1996), equipment blanks shall be collected from fully assembled sampling and coring tools (i.e., at least those portions of the sampling equipment that contact the sample) prior to first use after cleaning at a frequency of one per equipment cleaning batch."

Addressed 3/30 item 8

Item 5.P Need clarification on how changing the word "canister" to "manifold" changes the meaning of the word "it" in the next sentence. In context, it appears that "it" refers to the pressure/vacuum gauge, and this could be clarified with

wording similar to Section B1-1a(2). Further, it is not clear why the proposed change requires that the gauge be mounted on *each* manifold, since the sampling apparatus usually consists of a single manifold setup. This change has not yet been made.

Item 5.S Manifolds and canisters are leak-checked as specified in Sections B1-1a and B1-1c prior to each headspace gas sampling event (e.g., Section B1-1c(1) states "SUMMA® or equivalent canisters used in these methods shall be subjected to a rigorous cleaning and certification procedures prior to use in the collection of any samples", and it then references Method TO-14). This certification for canister leak-tightness in Section B1-1c is different from the certification of equipment calibration described in Section B1-1d. The gauges on the canisters should not be subject to the same rigorous NIST-certification process because "Canister gauges are intended to be gross leak-detection devices not vacuum-certification devices." (Section B1-1a(2), "Direct Canister Headspace Gas Sampling"). Section B1-1d should apply only to certification of pressure and temperature sensors to NIST or equivalent standards. Thus, it is inconsistent to require canister gauges to be NIST-certified as was stated in B1-1d, and the modification appears to satisfy the requirement of a Class 1 clarification.

Item 7.D Striking the bullet in Section B3-12, Data Reporting Requirements, Project Level, eliminates the requirement to report acceptable knowledge summary information entirely. It would be better to move the requirement to provide "a summary of all process knowledge documentation supporting the waste stream characterization (e.g., the acceptable knowledge summary report)" from the waste container reporting to the waste stream characterization summary packages. Therefore, this modification request is rejected as a Class 1 modification.

Agreed, by
will fix
rearranging!

Item 7.F There is no advantage to copying the footnote a from Table B3-8 to Table B3-9, since Table B3-9 refers back to B3-8. Besides, the modification requests gave no indication where to reference the footnote other than calling it footnote c. Therefore, the footnote will not be copied.

Agreed

Item 7.H NMED identified an additional typographical error when editing B3-8 Total Metal Analysis, Precision. The analogous section in B3-7 Total Semivolatile Organic Compound Analysis, Precision, incorrectly references Table B3-7 when dealing with criteria which must be met. The correct reference is Table B3-6. NMED had made this modification.

they will identify
as typo

Item 9 The requested change is incorrect. The reference to requirements in Attachment B1, Section B1-1a should be 18° C, not 19° C. The correct value was inserted into Table B6ff. check to see if change made both places in page

they will fix

Item 10 The two requested changes are internally inconsistent, and the second change removes requirements for inspection records specifically mandated by 40 CFR

They will do this

§264.15(d). While the first change removes specific reference to entering results of inspections "in the applicable logbook", it appears the second change was intended to reflect what is currently recorded in the inspection logs. The Permit further identifies (page D-2, lines 10-14) three mechanisms for recording actions taken following an inspection. It appears that the first requested change would be appropriate if the second change instead modified "The inspection logs include..." to "The inspection logs or summary records include..." and retained the rest of the original language. However, because the language as provided in the request eliminates regulatory requirements and is therefore less stringent than the current permit, this modification is rejected as a Class 1 modification.

Item 11
they agree

Numerous additional occurrences of the term "Brudi" were identified in Attachments D and M2. All occurrences of this term were modified to be consistent with the permit modification request.

Item 16.D
agreed

The modification request was to strike "~~and Heated Space Program~~" from the objective statement for SAF-515A. However, this would have rendered the sentence incomplete (i.e., "the student will be able to describe the WIPP's Confined Space.") The word "Program" was retained at the end of the sentence.

Item 18
They will do this

Deleting the reference to "nylon" from the description of the sampling line does not constitute a Class 1 modification, since there is no substitution of a functionally equivalent component. However, the basis for the modification states that the site currently uses teflon, which is the industry standard, in place of nylon. The permit has been modified to replace all references to "nylon" with "teflon".

November 15, 1999 Class 1 Permit Modification Requests

Item 1.A
will reword & submit

Although an air-lock mechanism may be unnecessary, the proposed modification to simply eliminate the requirement does not meet the standards for a Class 1 modification in 40 CFR §270.42 Appendix I, A.3 or B.1.a, but instead is more similar to §270.42(d)(2)(ii)(B) as a technological advancement. To qualify for a Class 1 modification, this could be rewritten to make the airlock optional, or provide that an equivalent methodology may be employed to retain the sample within the core equipment. Alternately, complete removal of the requirement could be submitted as a Class 2 modification request. This modification request is rejected as a Class 1 modification.

Item 1.B
will reword & submit

See discussion of Item 1.A above. Although sharpening and tapering the tip of the coring tool may be ineffective for its intended use, eliminating the requirement does not meet the standard for a Class 1 modification. To qualify for a Class 1 modification, this could be rewritten to make the sharpening and tapering optional, or provide that an equivalent methodology may be employed

to enhance sample recovery and reduce drag. Alternately, complete removal of the requirement could be submitted as a Class 2 modification request. This modification request is rejected as a Class 1 modification.

Item 1.D

will provide more justification

The requested permit modification inserts an exemption for "Waste Material Type II.2 packaged in a metal container" from innermost layer of confinement sampling, and bases this exemption on Revision 17 to the TRUPACT-II SAR. However, the SAR is not regulated under the permit, and specific information regarding the waste type/container type was not provided in the modification request. The permit requires innermost layer of confinement sampling for unvented rigid containers greater than 4 liters, regardless of type. If the "metal container" allows gas to escape, thus ensuring that the drum headspace is representative, this allowance could be made. However, additional information is required before such a determination could be made. Because this modification decreases the sampling requirements (§270.42 Appendix I, B.1.d), this modification request is rejected as a Class 1 modification.

Item 1.F

looking into whether SW 846 allows non glass containers

The modification request sought to modify the text in two places to allow the use of non-glass containers. The first change to footnote "e" to Table B1-4 dealt with containers for SVOC and PCB analysis, which is acceptable. However, the second change proposed to remove language from Section B1-2a(2) dealing with containers for VOC analysis, by replacing the phrase "or other containers specified in appropriate SW-846 methods" with "an airtight sample container for VOA analysis." The original language already provides flexibility to select an alternate appropriate container, and footnote "c" to Table B1-4 still provides a choice between the "40 ml VOA vial or other appropriate containers." Because unnecessary elimination of the SW-846 reference does not meet the Class 1 standard (§270.42 Appendix I, B.1.a), the second change proposed by this modification request is rejected as a Class 1 modification.

Item 2.C

When the permit is internally inconsistent, the general rule to render it consistent is to choose the most conservative interpretation, which in this case would require review of radiography tapes at a minimum of once per testing batch or once per day of operations, whichever is more frequent. However, this language in Section B3-10 was modified by NMED in response to a comment on the Revised Draft Permit (Comment X.1-70), and it is apparent from review of the comment response that NMED erred in its reading of the equivalent condition in Section B1-3b. The proposed modification to Section B3-10 is consistent with the original language in the permit application and the intent of B1-1b, and is therefore acceptable as a Class 1 modification.

Item 4

will resubmit

The conditional acceptance of this modification to allow more than one filter vent per container is premised upon an acceptable resubmittal as specified in NMED'S March 9, 2000 Class Determination. This determination rejected a proposed Class 1 modification which clearly impacted Permit Condition IV.D. (VOC concentration limits) by assuming either more filters per container and/or

higher filter diffusivity. Until that modification is resubmitted and incorporated into the permit, the allowance of more than one filter will be deferred.

With regard to the use of TDOPs and 85 gallon drums for direct loading of waste, the proposed language is poorly written and presented (e.g., "items... that are to [sic] large", using the cumbersome phrase "CH TRU/CH TRU-mixed waste" instead of the convention adopted in the permit modules of "CH TRU mixed waste", referring to "standard waste box" after the acronym "SWB" has already been defined, striking "overpack" from the identification of the 85 gallon overpack drum in Attachment E and nowhere else, etc.). NMED may edit these modification requests to ensure consistent terminology and good grammar within the permit. Because the modifications to allow direct loading of waste into TDOPs and 85 gallon drums are intertwined with the filter issue discussed above, all modifications proposed by Item 4 will be deferred until resubmittal of the January 24, 2000, Item 4 modification request.

Will resubmit w/ calc for secondary containment for TDOP

November 30, 1999 Class 1 Permit Modification Requests

Item 1

This modification was incorporated as requested, with the exception of titles and acronyms. "Site Project Quality Assurance Official" was replaced by "Site Project QA Officer" to be consistent with the rest of Attachment B3. Because the acronyms for Quality Assurance Program Document and data quality objectives were defined earlier in Attachment B3, these terms were replaced with the appropriate acronyms, QAPD and DQOs. Several other changes relating to definition of acronyms were performed by NMED to ensure consistency throughout Attachment B3 (e.g., heading on page B3-5, text on page B3-12, etc.).

agreed - need to let them know where changes made

Item 6

No revised Figure H-1 was provided in the modification request. The Permittees must provide the modified Figure H-1 as part of the Class 1 permit modification request for review and inclusion into the permit. However, changes proposed for Section F-2 have been incorporated.

provided 5/3/00

January 7, 2000 Class 1 Permit Modification Requests

Item 2.3

The proposed modification did not coincide with the discussion and basis. The discussion and basis indicated that the "Table B3-9 corrective action for matrix spike duplicates incorrectly refers to %Rs > values listed in Table B3-8. The %Rs listed in Table B3-8 are a range and the corrective action for matrix spike duplicates should indicate outside the range, because values below the range represent a condition that requires corrective action." However, the proposed modification simply removed the nonconformance requirement for %Rs entirely, when it should have retained the requirement and referenced nonconformance as occurring outside the specified range. Instead of

agreed

incorporating the proposed language, Table B3-9 has instead been modified to read as follows: "Nonconformance if RPDs and %Rs > values and %Rs outside range specified in Table B3-8". Furthermore, a parallel modification was made to the matrix spike duplicate corrective action requirements on Tables B3-5 and B3-7.

January 25, 2000 Class 1 Permit Modification Requests

*3/30
item 5 fixed*
Item 1 The basis for the rejection of this as a Class 1 modification was addressed in NMED's March 9, 2000 letter.

waiting
Item 4 The basis for the rejection of this as a Class 1 modification was addressed in NMED's March 9, 2000 letter.

agreed
Item 8 The language change to Permit Condition II.A.2 was modified by NMED to read "extending from ~~the fence~~ north of the rail sidings to the WHB..." NMED determined that the description "from inside the rail sidings" was potentially vague. Otherwise, the remaining language changes to Attachment D and Figure M1-2 are acceptable.

*okay, but
fix examples*
Item 11 Several additional occurrences of GET-19X or GET-19XA were identified in Attachments H, H1, and H2, and were modified to be consistent with the permit modification request.