



**RESPONSES TO QUESTIONS**

**AUGUST 3, 2000**

**NOTE: The questions that follow were conveyed orally to the Westinghouse Waste Isolation Division through a third party relating concerns expressed by Glen Smith in the New Mexico Attorney General's office. This document has been prepared as a set of internal talking points to respond to those concerns.**

*Received from Jody Plum, D&E/CAO*

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1. How can WIPP expand its storage by 25% and still be safe.

The WIPP will continue to be a safe storage facility because procedures and equipment designed to protect public safety at the WIPP are paramount. The WIPP facility will maintain its record of complying with all applicable environmental regulations. The proposed expansion of the storage space will add 147 drum equivalents to the permitted storage areas. Currently, the WIPP facility is permitted to have 585 drum equivalents in storage; that number will expand to 732. The current storage space is 33,175 square feet; that permitted storage area will expand to 44,425 square feet.

The New Mexico Environment Department (NMED) allows a 25 percent increase in storage space to be treated as a Class 2 modification (20.4.1.900 NMAC). In other words, it is not considered to “substantially alter existing permit conditions or significantly affect the overall operation of the facility” (Preamble to the Final Rule for Permit Modifications for Hazardous Waste Management Facilities). The WIPP site has been designed and permitted as both a storage and disposal facility. The Waste Handling Building (WHB), which was designed as a waste storage unit, has a surface area of 84,000 square feet of which only 44,425 square feet are proposed to be used for container storage. These containers will be stored in a manner consistent with the current Permit and will still maintain sufficient aisle space to ensure adequate inspections. The intent of all hazardous waste storage, treatment and disposal facility permits is first and foremost to ensure the protection of human health and the environment. This is certainly the case with the WIPP facility permit. The WIPP facility permit has been reviewed and evaluated to ensure that all aspects of the hazardous waste management process are performed in a manner that is consistent with the protection of human health and the environment.

In addition to the requirements of the Hazardous Waste Facility Permit (HWFP) the WIPP facility has developed additional procedures which govern most aspects of the waste handling, waste storage and waste disposal processes. These procedures are subject to the same quality assurance rigor that is applied to the Permit conditions.

2. How will WIPP assess hazardous materials that sites cannot assess?

The WIPP facility does not intend to assess materials that the generator/storage sites cannot assess. The intent of the modification is to consolidate the waste characterization process to reduce the TRU mixed waste transportation requirements while maintaining a fiscally sound and environmentally responsible waste characterization program.

The waste from the 18 small quantity sites will be characterized for transportation prior to shipment. Transportation characterization ensures that sufficient information is available to:

- make a hazardous waste determination

- assign EPA hazardous waste or State specific hazardous waste codes
- package, label, mark and manifest the waste in accordance with applicable regulations
- complete the applicable portions of a waste stream profile form
- assign a waste stream description
- certify that the waste meets the compatibility requirements and contains no prohibited items

This process will employ procedures that have been developed at the WIPP facility and will be implemented through the use of mobile analytical equipment. Only waste which meets the Waste Acceptance Criteria will be transported to the WIPP facility.

Once the waste has been transported to the WIPP facility it will undergo additional characterization which will include confirming that the information previously obtained is accurate. This additional confirmation and characterization may include radiography; headspace gas sampling; visual examination and non-destructive assay. All confirmation and characterization will meet the stringent requirements of the HWFP Waste Analysis Plan (WAP).

### 3. How will unacceptable waste be handled?

Waste that does not meet the disposal requirements at the WIPP facility will be managed in accordance with the Permit.

The WIPP facility has proposed several options, in the modification, to manage prohibited items:

- transport the prohibited item back to the original generator
- transport the prohibited item to another treatment, storage, or disposal facility
- manage the prohibited item as appropriate with NMED approval

The permit currently allows WIPP to send non-conforming waste back to the generator/storage sites (Attachment B-4b(2)(i)).

An example of how a prohibited item (such as an aerosol can) may be managed is described below:

- the prohibited item will be removed from the waste container
- the item will be assayed to determine its activity
- the item will be placed into a separate accumulation container
- if the assay indicates the item is a low level waste it will be transported to a commercial TSD facility or
- the container will be managed in accordance with the requirements contained within the HWFP

The management of these items can be accommodated with no adverse environmental impact. For example, liquids can be absorbed with sorbent materials; aerosols can be easily depressurized and additional waste codes can be added to the permit. In other cases the item may qualify as a low level waste and be sent to other commercial facilities for treatment or disposal. Existing

regulations detail the methods by which discrepant or non-conforming wastes may be managed and therefore it is unnecessary to redefine those regulations.

The final option would be to return the item to the generator/storage site under an existing Memorandum of Understanding with the generator/storage sites.

4. How can WIPP store hazardous materials for a long period of time and still protect the public?

The WIPP facility is currently allowed to store waste that is received prior to placement in the underground repository. The length of storage time does not affect a licensed hazardous waste storage facility's ability to protect human health and the environment. The NMED recognizes this fact when it defines the term "storage". Storage as defined in RCRA means "the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste." The regulators understand that a hazardous waste facility permit must undergo stringent review prior to approval to ensure that the storage, treatment and disposal of hazardous waste are performed in a manner that will not endanger human health or the environment. Therefore, if the waste is managed in a manner consistent with the permit requirements, the length of time that waste is in storage is not material.