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for Pete

BRIEFING
WIPP RCRA PERMIT MODIFICATION (MOD) FOR
ON-SITE WASTE CHARACTERIZATION
September 22, 2000

DOE's Position in its Public Meetings

- Conduct some waste characterization activities at WIPP
- Proposed activities limited to 18 "small" generator sites
- Will save DOE lots of money
- DOE needs expansion of storage (NOT disposal) area, and time allowed to store waste pending characterization and confirmation, to implement the mod

Key Provisions in DOE's Permit Modification

- Request to change characterization of TRU waste from in-state and out-of-state generator sites to Carlsbad
- No limitation to "small" sites; proposal applies to all
- Proposal changes Waste Analysis Plan (WAP) and criteria, including the level of "acceptable knowledge" used to characterize waste
- Proposal eliminates the State's authority to approve waste characterization by eliminating State approval of audits, a crucial element of the existing Waste Analysis Plan for the facility
- Increases storage area by 25%, and allowable storage time from 60 days to indefinite

How the Modification Process Works

- DOE submitted as a "Class 2" modification (for minor, non-substantive permit changes)
- DOE also submitted a "temporary authorization" (TA) request to implement the modification before it was approved
- NMED denied the TA because it did not satisfy the requirements of the regulations
- Public comment period (required by regulation) on the modification ends September 26, 2000 (NMED has received a lot of mail on this modification)
- DOE held two public meetings (in Carlsbad and Santa Fe) on the modification
- NMED has 30 days after the comment period to approve, deny, approve with modifications, or determine that an additional 30 days is necessary for review
- NMED is required to deny the modification if it is deficient from either a technical and/or regulatory standpoint
- If approvable, and if there is "significant public interest," NMED may be required to "bump it up" to a Class 3 mod (a major modification under the statute and regulations), requiring more extensive public participation, and a public hearing
- NMED met informally with DOE on September 14, 2000, to discuss the modification and the appropriateness of its classification as a "Class 2"
- USEPA sent its comments to NMED stating that the modification, if approvable, should be "Class 3," and that the storage should be limited to 1 year

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