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DATE: 9/26/00

TO: Steve Zappe

FROM: Deborah Reade - CARD

RE: Comments on WIPP permit modifications

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mail as well as this FAX
Deborah*

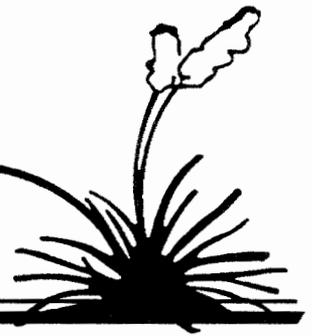
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CARD

Citizens For Alternatives To Radioactive Dumping

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September 26, 2000

Steve Zappe
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Comments on the Department of Energy's Proposed Class 2 Modifications to the Waste Isolation Pilot Plant Hazardous Waste Operating Permit

The Department of Energy (DOE) has proposed several class 2 modifications of the hazardous waste operating permit for the Waste Isolation Pilot Plant (WIPP) issued by the New Mexico Environment Department (NMED). These modifications would allow DOE to change the mission and operation of WIPP significantly and Citizens for Alternatives to Radioactive Dumping (CARD) strongly opposes all of these current class 2 modifications.

NMED should deny all the class 2 modifications.

Currently WIPP's mission is the safe disposal of defense-generated transuranic waste. Because most of this waste is *mixed waste*, WIPP is permitted as a hazardous disposal facility by the state of New Mexico. WIPP is **not** permitted as a major hazardous waste storage facility. The limits on storage space and storage times written into the present permit make it very clear that any storage at the facility is only in support of the facility's disposal role. WIPP is also **not** permitted as a hazardous waste characterization facility. In fact, NMED decided specifically not to have characterization performed at WIPP supposedly for safety reasons after DOE argued during the permit hearings that not opening the waste containers at WIPP was a key element of their safety strategy to "...eliminate the possibility of spreading contamination...". Is DOE planning next to eliminate opening any containers during characterization at WIPP? Or is not opening the waste containers suddenly unimportant in the protection of human health and the environment at WIPP? If so, CARD would like to propose that we keep the current plan of characterizing waste at the generator sites and add "fingerprinting" at WIPP to check characterization since this is the accepted procedure for hazardous waste disposal facilities in the rest of the nation.

DOE's proposed modifications are unclear as to whether only small sites would be allowed to have their waste characterized at WIPP or whether all sites could or would be allowed to do this. Their request to eliminate the audit and surveillance program indicates that they would expect to use the centralized characterization facility for all sites. Certainly a major contamination potential exists at WIPP for many of these wastes, not the least of which are the solidified and unsolidified residue wastes from Rocky Flats and other sites. DOE has determined that most of these wastes from Rocky Flats do not need any treatment (including solidification) and only need visual inspection and repackaging. Does DOE intend to open and repackage the 115+ tons of these wastes at WIPP (with the possibility of spreading significant amounts of powdered radioactive and hazardous wastes into the air and throughout the facility) or do they expect to do this portion of characterization at Rocky Flats without any supervision by NMED since there would be no audit and surveillance program at this out-of-state facility?

Frankly, DOE and Westinghouse have such terrible records for contamination, violations and poor clean-up at so many of their sites that oversight of these permittees could never be too strict. Even an audit and surveillance program **with** fingerprinting at WIPP might not be enough oversight by NMED to guarantee the health and safety of the environment and citizens of New Mexico.

NMED should upgrade the class 2 modifications to class 3 if they are not denied outright

If NMED does not simply deny these modifications outright, they should be upgraded to class 3 modifications because of the complex nature of the changes they would create at WIPP and the significant public concern that exists about these proposed modifications. These are major modifications to the operating permit and require a public hearing to be adequately addressed. WIPP as a long-term hazardous-waste surface storage facility was never even mentioned in the application or during the original permit hearings. The dangers to human health and the environment are significantly different from surface storage than they are from underground disposal. It is obvious that DOE expects to miss large quantities of prohibited wastes when they are screening records at generator facilities. (It was certainly clear from testimony at the permit hearings that acceptable knowledge is lacking for the hazardous component of most waste streams.) This is why they will need the expanded long-term storage facilities if characterization is moved to WIPP. Therefore, these modifications would essentially create a completely new facility at the site—a long-term, prohibited-wastes storage facility for mostly out-of-state wastes. How these wastes will be isolated from the environment is certainly not adequately described, nor have risk assessments been done nor have the dangers from these prohibited wastes been modeled. The same can be said for adding a waste characterization facility at the WIPP site.

Dropping the audit and surveillance program from all the sites and opening containers at WIPP during characterization, again, completely changes the safety strategy at the facility. If DOE is not going to use the strategy of never opening waste containers at WIPP, what safety strategy will they be using? They must now explain why opening these containers will **not** jeopardize health and safety. If storage is to be indefinite, containment procedures and structures for the long-term must be described in detail and the question of whether these storage facilities are really de-facto surface disposal facilities must be addressed. Since these facilities will house wastes *prohibited* from WIPP, simply using guidelines for WIPP's current short-term storage facilities is not acceptable.

There are too many questions surrounding these modifications—questions that need to be answered in detail before NMED could judge whether or not these changes would adequately protect human health and the environment. Because of the level of changes these modifications would make to the current operating permit, descriptions and plans in the same level of detail as was laid out in the application and hearings needs to be delineated for this characterization-storage system. This can only be done during a public hearing after written information (including modeling and risk assessments) has been submitted and during which experts can testify and be cross-examined.

I would also like to point out (although it is not part of the permit modification process itself) that some or all of these proposed changes to WIPP would require a supplement to the WIPP Environmental Impact Statement.

Sincerely,



Deborah Reade
for CARD