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**CERTIFIED MAIL
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PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

May 18, 2001

Dr. Inés Triay, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Mr. John Lee, General Manager
Westinghouse TRU Solutions, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

**RE: NMED APPROVAL OF INEEL REVISED FINAL AUDIT REPORT, AUDIT A-01-02
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Lee:

On April 17, 2001, the New Mexico Environment Department (NMED) withheld approval of the Final Audit Report of the Idaho National Engineering and Environmental Laboratory (INEEL) Audit A-01-02 until the Department of Energy's Carlsbad Field Office and Westinghouse TRU Solutions (**the Permittees**) submitted additional information demonstrating full implementation of waste analysis plan (WAP) requirements. In response to that letter, NMED received the following documents from the Permittees:

- On April 26, 2001, NMED received a revised Final Audit Report for INEEL dated April 25, 2001 including a response to comments and additional objective evidence in support of INEEL's compliance with WAP requirements.
- On May 8, 2001, NMED received additional revised information via e-mail in response to informal questions posed to the Permittees.

Attached are NMED's general comments based upon review of the submitted information. These comments are intended to provide a basis for improving the quality of subsequent Audit Reports. NMED concludes that the Audit Report and supplemental information adequately demonstrate

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Dr. Inés Triay
Mr. John Lee
May 18, 2001
Page 2

that INEEL has implemented the applicable characterization requirements of the WAP for retrievably stored contact-handled homogeneous solids. Therefore, NMED approves the Permittees' revised Final Audit Report for INEEL Audit A-01-02.

If you have any questions regarding this matter, please contact me at (505) 827-1758.

Sincerely,



Gregory J. Lewis
Director
Water and Waste Management Division

GJL:soz

Attachment

cc: James Bearzi, NMED HWB
John Kieling, NMED HWB
~~██████████, NMED HWB~~
Susan McMichael, NMED OGC
C. Steven Allred, ID DEQ
Kathleen Trever, INEEL Oversight
David Neleigh, EPA Region 6
Mary Kruger, EPA ORIA
Connie Walker, TechLaw
Matthew Silva, EEG
Don Hancock, SRIC
Joni Arends, CCNS
File: Red WIPP '01

NMED COMMENTS ON THE
IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY (INEEL)
REVISED FINAL AUDIT REPORT

1. INEEL has generated several acceptable knowledge (AK) summary documents, and the supporting references for these documents have been checked during previous audits. However, in general, previous audit reports have tended to under-describe this supporting information examined during the course of the audit. Reliance during subsequent audits upon general summary documents to support AK summary development is insufficient; these general support documents must be reevaluated relative to supplemental supporting references, documents, and other background information to ensure that any summaries included therein are up to date and correct.
2. The Audit Report does not re-address many elements that were covered under previous audits and were presumed, by the audit team, to be unchanged with respect to solids sampling. For example, new procedures were written and audited for sampling, but AK procedures were assumed to remain the same. NMED believes perhaps some of the AK procedures should have been re-evaluated during the homogeneous solids audit. NMED recommends that the Permittees (in consultation with NMED) develop decision criteria for determining when checklist elements need to be reevaluated during subsequent audits (including annual recertification audits), so that these requirements are consistently applied throughout the DOE complex. These decision criteria should then be submitted as a permit modification request.
3. The permit does not include requirements pertaining to how often the TIC evaluation must be performed, instead stating only that the analysis must occur on a waste stream basis. This could prove problematic in that sites may elect to assess TICs after the waste stream is fully characterized, which could result in the identification of additional hazardous waste/constituents that must be added to a waste that has already been disposed of (and, hence, it not necessarily in compliance with the WAP). NMED suggests that the Permittees consider this issue, and suggest, through a permit modification request, the evaluation time frame for TIC evaluation.
4. As indicated in Comment No. 2 above, decision criteria must be developed to determine whether a checklist element must be examined during audits. If these criteria are not established prior to the next INEEL audit and the following checklist items subsequently resolved, the INEEL recertification audit must include the following checklist items with respect to solids sampling objective evidence:

Checklist Items 5, 42, 44/45, 58, 69, 121, 141, 286-295.