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June 22, 2001

Mr. Steve Zappe  
NMED Hazardous Waste Bureau  
2905 Rodeo Park Drive East  
Building 1  
Santa Fe, NM 87505-6303

Dear Mr. Zappe:

Attached are EEG comments on an April 27, 2001 Class 2 modification request related to waste containers. The two stated goals of this request are: 1) to expand storage volume in the WIPP Waste Handling Building to accommodate ten drum overpack containers and 2) to consolidate all container descriptions into one portion of the HWFP. Both goals would seem to be useful additions to the WIPP Hazardous Waste Facility Permit, and the modification request appears to appropriately address the first goal; the storage expansion issue. However, there appears to have been a lack of attention to detail in the Permittee's attempt to consolidate container descriptions. That has resulted in proposed alterations that would not accomplish the stated goal of consolidating container descriptions.

Sincerely,

Matthew K. Silva  
Director

MKS:BW:JKC:pf  
Attachment

cc: Dr. Triay, CBFO  
Bobby St. John, WTS  
Jody Plum, CBFO

010612.8



1. This modification request combines two separate and unconnected modifications--increasing the storage capacity in the Waste Handling Building (WHB), and consolidation of container descriptions--into the same item. The downside of listing two independent items, in the same modification request is that rejection of either item could result in rejection of the other one also.

The consolidation of container descriptions may have been combined with the storage capacity increase because it does not meet any of the 40 CFR 270.42 Appendix I allowed Class 1 or Class 2 modification types of modifications. §270.42(d) requires that any changes not specifically listed in Appendix 1 are to be submitted to the regulatory authority for determination of class, or submitted as Class 3 modifications. The EEG believes that the consolidation of container descriptions into a single part of the HWFP is a useful goal, and could be achieved by requesting that the NMED consider the proposal as a Class 2 modification.

Had the Permittees requested such a determination the NMED also might have considered the consolidation of container descriptions to be a Class 1 modification. However, as pointed out in later comments, the ineffectiveness of this submitted Class 2 modification on the issue, and the latitude with which previous Class 1 modifications have been written, –indicates that the NMED should establish a policy of advance review of HWFP modifications before allowing the Permittees to implement them.

2. Though the modification request does not clearly say so, the expansion of storage capacity is apparently so that the same number of TRUPACT-IIs and facility pallets may be used in the various storage areas within the WHB without regard to the type of waste container placed in or on them. This would simplify the process of ensuring that the storage capacities have not been exceeded. The EEG believes that this portion of the modification request is reasonable, creates no technical complications, and is a useful change to the WIPP Hazardous Waste Facility Permit (HWFP) requirements.
3. The “Discussion” section of the modification request begins (p. A-2):

Several Class 1 permit modifications have amended the original container descriptions in the HWFP.

“Amended” may not be the appropriate term; these modifications added types of containers, changed configurations that affect the radiological safety factors for the containers, and changed how waste materials would be placed in these containers.

40 CFR 270.42(a) states that only those modifications designated in Appendix I to §270.42 as Class 1 changes may be put into effect; The Permittees considered the waste container modifications to be the “administrative and informational changes” listed in Appendix I.A.1 as Class 1 changes. However, additions of container types, and altering

descriptions so that safety factors may be compromised, would seem to exceed the boundaries of what should be considered as administrative and informational changes.

One example is the August 8, 2000 Class 1 modification, which added text to HWFP Attachment M1-1b that allows filters to be placed on “the body” of 55-gallon drums as well as the lid (p. A-6). Filters were originally placed on the lid in part because in that position the rim of the drum provides protection for the filter; on the body of the drum a filter would obtrude into the environment so that it can be bumped, pulled, or pressed against, any of which could break the integrity of the drum’s containment system. The possibility of such physical disruption was not discussed in the Class 1 modification, nor was data showing that drums with filters on the body would meet the Type A container specifications required by the HWFP. At the very least, formation of seven-packs should contain specific instructions for the location of filters on the body of each of the 55-gallon drums within the seven pack. The addition allowing the filters on the body of 55-gallon drums does not appear to represent simply an administrative or informational change, but one which could affect the safety of the waste handling process.

This modification also incorporates the change to the HWFP to allow filters to be installed on the body of 55-gallon drums (see Modification C.1, p.A-5). The Permittees should provide data and an evaluation of the safety implications of installing filters on the body of the drum and NMED should consider the safety aspects.

4. Though the “Basis” section of the modification request states that container descriptions appear in Modules III and IV, and states that these descriptions will be consolidated in Attachment M1, only changes to Module III are included in the HWFP text alterations provided in the modification request. In Module IV, Section IV.A.1.a references Module III; and Section IV.C.1 would still contain descriptions of 55-gallon, 85-gallon, and 100-gallon drums, as well as TDOPS and SWBs. These sections should also be modified.

Modification b.1 also does not reflect consolidation of container descriptions into Attachment M1. Though text is added to Attachment F-1 to state that waste containers “...are identified in Permit Attachment M1-1b”, a section of F-1 entitled “Description of Containers”, which lists container types and configurations, was retained. The section could be deleted in order to meet the expressed goal of the modification request.

The expressed intent of the modification request has not been met by the alterations to the text.

5. Any accepted changes to the HWFP should be placed in the proper locations. The proposed modification a.2 (p. A-4) is cited as for “Module C.1”; there is no Module C.1 in the HWFP. The a.2 modification appears to be alterations to Module III.C.1. Similarly, modifications b.1 and c.1 (p. A-5) do not alter Attachments “F” and “M1” as stated, but more particularly they modify Attachments F-1 and M1-1b respectively.