



September 26, 2002

Mr. Steve Zappe
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Regarding: WIPP Permit Modification Request – Update of the Waste Analysis Plan and Associated Documents with Emphasis on Data Management Requirements

Dear Mr. Zappe,

I am writing these comments to inform you that I strongly oppose this permit modification request. I strongly recommend that the New Mexico Environment Department deny this permit modification request.

As the Environment Department knows, regulations under the New Mexico Hazardous Waste Act (20 NMAC 4.1.900 incorporating 40 CFR §270.42(b)(7)) provides that it may deny any Class 2 permit modification request for the following reasons:

1. the modification request is incomplete;
2. the modification request does not comply with other regulations covering operating standards for hazardous waste storage and disposal facilities; or
3. the conditions of the modification fail to protect human health and the environment

The following reasons will support my recommendation to deny.

This permit modification is incomplete. In this modification there are a number of items that the permittees deemed interrelated. None of the items are explained thoroughly enough to be considered complete by any means. These items include:

Electronic Data Review, Validation and Verification – the discussion in this item does not explain how this change will create greater efficiency. Also, this item does not discuss how the permittees are intent on preventing security breeches. A recent DOE-IG report stated that the Department of Energy's "cyber-security" was lacking in many ways. This does not bode well for the permittees, as breaking into this system potentially would disable most if not all of WIPP's operations.

Revise Reviewer Responsibilities – again this item does not go into any explanation as to why it is required. Without any explanation we may assume that it is not needed, therefore there is no need to approve it.

Eliminate the Waste Stream Characterization Package – the reason for the permittees request to remove the waste stream characterization package is not reasonable. It does not go into the depth required so that my concerns are met. As the level of explanation is in question it therefore is appropriate to call this item incomplete.

Eliminate Quarterly Repeat of Data Review, Validation, and Verification – the permittees claim that because certain information can be found in other reviews that the quarterly data review, etc, may be eliminated does not explain the need to my satisfaction. Just



because something can be done does not mean that it should be done. Without further information on why this is required I consider it incomplete. The same thing may be said for the *Data Management Consolidation* item and *Reorganize data management portions of WIPP HWFP*.

The permit modification request does not account for human health and the environment. As I have said above there are a number of items that are incomplete, being incomplete also implies that they are potentially harmful to human health and the environment. Without a complete modification we cannot be certain that they will abide by federal and state law with regard to health and the environment.

The *Bar Codes* item specifically concerns me, as the lack of tags and labels will prevent readily available information to the workers at WIPP. This is clearly a concern for human health!

The permit modification is not a Class 2. This is clearly a Class 3 permit modification request. While I recommend that the New Mexico Environment Department deny this modification outright, if they were to proceed with this request they must proceed with it under the scrutiny of a Class 3 permit modification request. The reason for this is the impact that this permit modification request has on the overall permit and WIPP's operations. There are far too many contingencies to the permit for this to be classified as a Class 2, and the permittees rationale for classifying this as a Class 2 is technically flawed.

Please also note, that while the permittees wish to consolidate redundant text, I am very much opposed to this option as well. The permittees are notorious for their poor proofing and their lack of consideration when it comes to editing. Ironically they prove this point with their own permit modification request when they have a typo in their first modification request. Item 5 is entitled: "Use of radiography fro Newly Generated Waste".

There are too many unanswered questions in the permit modification, it is incomplete and it will have adverse affects on human health and the environment. The New Mexico Environment Department must deny this modification request.

Thank you for your consideration of my comments.

Sincerely


WAYNE GIBSON

+ 
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