



# Attorney General of New Mexico



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Mr. Steve Zappe  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive, Building E  
Santa Fe, NM 87505



Re: WIPP Hazardous Waste Act permit; proposed modification  
concerning removal of booster fans

Dear Mr. Zappe:

This letter submits comments by the Water, Environment, and Utilities Division of the New Mexico Attorney General's Office concerning a proposed modification to the Hazardous Waste Act permit for the Waste Isolation Pilot Plant (WIPP). The proposed modification concerns removal of booster fans.

Permittees state that the removal of the booster fans will not compromise the ability of WIPP to afford protection to workers in event of a mine fire (at 1). For such reason, and in reliance on 20.4.1.900 NMAC, incorporating 40 CFR 270.42, Appx. 1, Item B.6.a, Permittees have classified this modification as a Class 2 modification.

Permittees assert that expert studies have determined that the booster fans (a) are unnecessary, (b) do not contribute to safety, (c) could cause adverse consequences to workers in event of emergency, and (d) should be removed. (at A-12). Our comments are as follows:

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1. The report by Mine Ventilation Services, Inc. (Att. C) shows the shortcomings and complexity of using air flow reversal to limit the dangers of a mine fire. It is evident that reconfiguration for reversed flow takes significant time and entails risks and that reversed flow would entrain contaminated air. (Att. C at 8-10). This report sustains points (a) through (d), above.
2. The report of the Mine Safety and Health Administration Mine Ventilation Investigation supports the assertion that the method of air reversal available at WIPP would not meet regulatory criteria, since, inter alia, the main fans cannot be reversed. However, as the report states, the existing control doors would suffice under the regulations.

In this situation, we support the proposed modification.

Very truly yours,

A handwritten signature in blue ink, reading "Lindsay A. Lovejoy, Jr." in a cursive script.

LINDSAY A. LOVEJOY, JR.  
Assistant Attorney General

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