

506 Killington CT
Columbia , SC 29212
Jan 25 , 2004



New Mexico Environmental Department
Hazardous Waste Bureau
Attn: Mr. Steve Zappe
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303



Background

On October 27, 1999, the New Mexico Environment Department (NMED) issued a final decision to grant a Hazardous Waste Facility Permit to Waste Isolation Pilot Plant (WIPP) for the storage and disposal of transuranic (TRU) mixed waste. The WIPP site is located deep within underground salt deposits near Carlsbad, NM. Since then, the permit holders (DOE and Washington TRU solutions (WTS)) have submitted over fifty separate permit modifications and requests to NMED as allowed by the regulations. The regulations also allow NMED to modify the Permit if the agency determines there is cause for modification. On November 26, 2003, NMED issued a public notice of their intent to approve an agency-initiated modification to the Permit with written public comment and request for public hearing by January 30, 2004.

NMED has determined, based on new information, that there is cause to modify the permit to limit the waste eligible for disposal to the inventory that was identified when the permit was originally issued. NMED used the Transuranic Waste Baseline Inventory Report (TWBIR) Revision 6 as the basis for developing the permit governing mixed waste storage and disposal activities at WIPP and waste characterization activities at generator/storage sites that would send TRU mixed wastes to WIPP. (Ref.1)

Comment

The proposed modification limits the amount and type of waste eligible for disposal at WIPP to the amount and type identified in the original projected TWBIR. This action has major implications for the Savannah River Site (SRS). SRS has received 300 cubic meters of TRU mixed waste from Mound which is destined for disposal at WIPP and which was not included in the original projected SRS TWBIR. In addition, new missions such as the mixed-oxide (MOX) facility will generate TRU mixed waste that needs to be disposed of at WIPP. This future waste stream was not included in the original SRS projected TWBIR (Ref. 2). Adopting the proposed

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modification will preclude TRU mixed wastes from any other new missions as well. There is no other legal disposal site for these TRU wastes except as might be developed at taxpayer expense

I find the proposed modification to be arbitrary and capricious and with out technical merit or justification. I do not agree with the New Mexico Environmental Department's proposed modification. The original TWBIR projected an inventory for SRS of 9,600 cubic meters; current projections of 15,300 cubic meters means that about 5,700 cubic meters that could meet the WIPP Waste Acceptance Criteria (WAC) would not be eligible for disposal at WIPP. Other means of disposal would have to be found at considerable cost to the taxpayer. I believe that any TRU waste (mixed and non-mixed) that meets the WIPP WAC be accepted for disposal at WIPP.

I provide the following additional public comments concerning the proposed permit modification:

1. I request a public hearing on the proposed permit modification proposed by NMED based upon the information supplied above. I am a Professional Engineer in the State of South Carolina. The objections to the permit modification and the issues that will be raised at the public hearing are inherent in the above discussion.
2. As a minimum I request that NMED increase any SRS WIPP waste inventory to include the 300 cubic meters of TRU mixed waste SRS received from Mound.
3. I request that NMED allow for increase in SRS TRU mixed waste inventory from new DOE missions such as the proposed SRS NNSA MOX facility as long as the TRU waste meets the WIPP WAC.

References

1. "Notice of Intent to Approve an Agency-Initiated Modification to the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant", Fact Sheet, November 26, 2003.
2. "WIPP Permit Modifications", presentation to the WM Committee by Sonny Goldston, January 6, 2004.

Very truly yours,



William Willoughby II, PE

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