



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY



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Dirk Kempthorne, Governor
C. Stephen Allred, Director

January 30, 2004

VIA FACSIMILE (505) 428-2567
U.S. MAIL



Steve Zappe
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Sante Fe, New Mexico 87505-6303

Re: State of Idaho Department of Environmental Quality Comments on Proposed Agency-initiated Modification to the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant, Permit No. NM4890139088-TSDF

Dear Mr. Zappe:

We share the State of New Mexico's goal of increasing the certainty and clarity of DOE waste management operations within our purview to ensure protection of the public health and the environment. We understand New Mexico's need to evaluate the disposal compatibility and other characteristics of transuranic waste streams not directly traceable to the inventory that formed the basis of its approval of the WIPP disposal permit.

The WIPP acceptance framework is key to how the State of Idaho works with the INEEL to ensure safe interim storage, treatment, and disposal of transuranic-contaminated waste. The primary purpose of these comments is to ensure our states have a similar understanding of what wastes now in Idaho the proposed modification would affect. We also request clarification on how NMED's proposed specific approval process would work for additional waste streams.

It is unfortunate that DOE has not been more timely in its revision of the 1996 Transuranic Waste Baseline Inventory Report (TWBIR) as new information regarding waste streams has become available. This lack of communication has created confusion and understandable concern, both where the waste is now located and at potential receiving sites, regarding waste classifications and volumes and management options.

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As you are aware, most of the transuranic waste now in Idaho came from the Rocky Flats Weapons plant in Colorado, with smaller amounts from INEEL operations and other facilities such as the Mound site in Ohio. This waste is in various configurations in Idaho, some in RCRA-compliant storage, some in above-grade, bermed storage, and some buried in the Subsurface Disposal Area, which requires remediation.

We understand NMED reviewed the TWBIR to ensure that disposal of the various waste streams would be protective of public health and the environment. With so much of the waste in Idaho coming from other sites, some of which has not seen the light of day for considerable time, we have assumed acceptability of waste streams at WIPP does not depend on waste location in Idaho, Colorado, Ohio or elsewhere.

Instead, we have assumed WIPP acceptability rests on DOE's ability to demonstrate acceptable knowledge and characterization of the waste consistent with waste streams identified in the TWBIR. We expect acceptability of waste streams to apply across locations, including remediation waste linked to TWBIR waste streams.

We interpret the proposed modification to require specific NMED approval for waste streams not directly traceable to the 1995 Transuranic Waste Baseline Inventory Report, but not for changes in volume estimates for waste streams that are directly traceable to the TWBIR (provided they remain within overall WIPP volume limits).

Should previously unidentified waste streams come to light, we would expect NMED to evaluate those for compatibility with WIPP disposal requirements based on waste characteristics to ensure protectiveness. It appears that this situation may apply to several previously unidentified, small-quantity INEEL remote-handled waste streams evaluated as part of the ongoing DOE-Carlsbad TWBIR inventory update process.

A larger issue, and one that NMED has identified as a primary motivation for its agency-initiated modification, has been DOE's potential classification of some wastes in tank farms associated with reprocessing operations as transuranic waste. The lack of clear and detailed discussion regarding this issue has created understandable concern on the part of potentially affected states and the public.

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Of the more than 10 million gallons of reprocessing and nonreprocessing liquid wastes that have passed through the INEEL tank farm, approximately one million gallons remain. DOE has traditionally managed all INEEL tank farm waste as part of its high-level waste program. As the NMED Fact Sheet notes, the State of Idaho has therefore maintained that DOE should manage remaining liquids as high-level waste unless and until DOE classifies the waste as another waste type consistent with regulations.

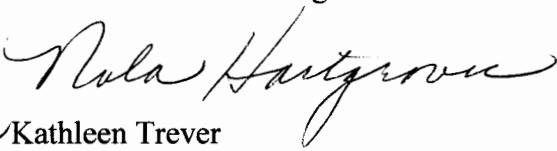
Because of INEEL tank farm waste treatment to date and the relatively low concentration of fission products in the remaining liquid waste, we recognize it may be legitimate to classify all or some of the remaining liquids after treatment as transuranic or low-level waste. For comparison purposes, it appears the remaining liquid waste is similar in fission product and transuranic content to the Melton Valley Tank Waste from the Oak Ridge Reservation, which is part of the accepted Transuranic Waste Baseline Inventory for remote-handled waste. (There are some concentration differences in a few of the RCRA metals, higher in some cases and lower in others, between the two wastes. The Oak Ridge waste is basic while the INEEL waste is acidic. However, treatment to solidify these wastes will likely reduce these differences.)

DOE will have to provide more detailed information to potentially affected states for resolution of the appropriate classification of its tank wastes. This issue would benefit from our collective discussion.

We appreciate NMED's fair consideration of the compatibility and characteristics of waste streams to ensure their safe and consistent management and the protectiveness of WIPP disposal. We will continue our cooperation with NMED in our regulation and oversight of storage, characterization and treatment activities in Idaho.

Sincerely,

Division of INL Oversight and Radiation Control


Kathleen Trever
Coordinator-Manager

KT/nrh