



ENVIRONMENTAL EVALUATION GROUP

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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January 30, 2004

Mr. Steve Zappe
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East
Building 1
Santa Fe, NM 87505

Dear Mr. Zappe:

The New Mexico Environment Department (NMED) issued a notice of public comment period and public hearing concerning Intent to Approve an Agency-Initiated Modification to the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant on November 26, 2003.

The enclosed comments on this matter reflect the independent review by the Environmental Evaluation Group (EEG) staff. The basis for these comments was the Fact Sheet and attachments included with the NMED notice.

Sincerely,

Matthew K. Silva
Director

MS:LA:pf
Attachment

cc: Paul Detwiler, DOE/CBFO
Steven Warren, WTS

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Comments by the Environmental Evaluation Group on the New Mexico Environment Department's Agency-Initiated Modification to the HWFP for the WIPP.

1. The EEG is concerned about a potential burden that may be placed upon both the DOE and NMED for future permit modification requests concerning approval of additional waste streams. The EEG suggests that NMED consider a provision in the agency-initiated modification which would facilitate submission by the DOE of an entirely new Baseline Inventory as a single Permit Modification Request (PMR). This could alleviate the need for DOE to submit separate PMRs for each additional waste stream, and probably result in a more efficient permit modification process.

In the draft Compliance Recertification Application being prepared for the EPA, the DOE has constructed a crosswalk between the inventory used for the original EPA certification decision and the recent inventory used as the basis for the upcoming recertification process. The EEG suggests that, if necessary, the NMED could provide guidance on expansion of the crosswalk (or other portions of the inventory document) to include necessary information for their RCRA determination on each waste stream.

2. In the case that the DOE decides not to submit a PMR for an entire inventory, but would rather submit a PMR for each additional waste stream, the NMED should consider providing guidance in the draft permit concerning criteria upon which waste stream acceptance will be evaluated. One area that guidance would be useful is the PMR classification that NMED would expect to be necessary for evaluation of additional waste streams.

3. The NMED is proposing that "waste streams that are not directly traceable ... are not acceptable at WIPP ...". The NMED should include what it believes to be an acceptable method for demonstrating traceability.

4. The permit application (Rev 6) is cited in the Fact Sheet for the draft permit as utilizing the TWBIR, Revision 2. However, the permit application actually addresses the WTWBIR (Revision 1).