

ENTRIBED



NEW MEXICO ENVIRONMENT DEPARTMENT

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 4, 2008

David Moody, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Farok Sharif, President
Washington TRU Solutions LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

RE: COMPLIANCE EVALUATION INSPECTION OF PERMITTEES' WASTE CONFIRMATION PROGRAM IN IDAHO FALLS, IDAHO WASTE ISOLATION PILOT PLANT EPA I.D. NUMBER NM4890139088

Dear Dr. Moody and Mr. Sharif:

On May 16, 2008, the New Mexico Environment Department (NMED) conducted an inspection of the Waste Isolation Pilot Plant (WIPP) waste confirmation program in Idaho Falls, Idaho. The purpose of this inspection was to determine the US Department of Energy Carlsbad Field Office and Washington TRU Solutions LLC (collectively, the Permittees) compliance with WIPP Hazardous Waste Facility Permit (Permit) Attachment B7, "Permittee Level TRU Waste Confirmation Processes." The inspection team conducted interviews with waste confirmation personnel, reviewed waste confirmation procedures, and obtained records associated with the waste confirmation program in Idaho Falls. Based on that inspection and a subsequent review of the information and records obtained, NMED observed no violations of Permit Attachment B7. However, as discussed informally with Rick Chavez of Washington Regulatory Environmental Services on June 5, 2008, the enclosed Attachment 1 includes NMED's recommendations for improvements to WIPP's waste confirmation procedures.

No further action is required at this time. However, this letter does not relieve the Permittees of their obligation to comply with the Permit or any other applicable laws and regulations.

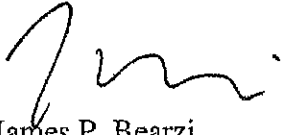
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Dr. Moody and Mr. Sharif
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If you have any questions regarding this letter, please contact either Tim Hall at (505) 476-6049 or Steve Zappe at (505) 476-6051.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz

Attachment

cc: Art Vollmer, Manager, Compliance and Technical Assistance Program, HWB
Steve Zappe, NMED HWB
Tim Hall, NMED HWB
Steve Holmes, NMED HWB
Connie Walker, Trinity Engineering
File: Red WIPP '08

Attachment 1
May 16, 2008 Inspection of WIPP Waste Confirmation Program
Idaho Falls, Idaho

NMED Recommended Changes to WIPP Waste Confirmation Procedures

1. Permit Attachment B7, Section B7-1a, states, "The Permittees' waste confirmation encompasses ensuring that the physical characteristics of the TRU mixed waste correspond with its waste stream description and that the waste does not contain liquids in excess of TSDF-WAC limits or compressed gases." Permit Condition II.C.3.a and Permit Attachment B, Section B-1c, state, "...waste shall contain as little residual liquid as is reasonably achievable by pouring, pumping and/or aspirating, and internal containers shall contain less than 1 inch or 2.5 centimeters of liquid in the bottom of the container. Total residual liquid in any payload container (e.g., 55 gallon drum or standard waste box) may not exceed 1 percent volume of that container."

NMED notes that procedures WP 02-RC1102 (Review of Radiography Media for Waste Confirmation) and WP 02-RC1108 (Review of Visual Examination Records for Waste Confirmation), as well as form EA02RC1102-1-0, do not address residual liquid as part of the TSDF-WAC limit for liquids. NMED considers the requirement that any liquid remaining in waste containers sent for disposal at WIPP be residual to be the paramount element of the general liquid waste prohibition in the TSDF-WAC. NMED recommends the Permittees explicitly include the requirement regarding residual liquid in these documents.

In addition, although WP 02-RC1101 (Visual Examination for Waste Confirmation) and WP 02-RC1103 (Radiography Inspection Operating Procedure) are not currently being implemented by the Permittees, these procedures should also be revised. NMED recommends that Attachment 1 in WP 02-RC1101, and Attachment 2 in WP 02-RC1103, be revised to be consistent with the wording in procedures used by the Permittees' Central Characterization Project (CCP) (e.g., CCP-TP-053, Attachment 2, Section 5).

2. Permit Attachment B7, Section B7-1c, states, "The Permittees may also use their own trained VE operators to perform VE for waste confirmation by reviewing VE data forms or packaging logs prepared by the generator during their packaging of the waste. To be acceptable, the generator/storage site VE data must be signed by two generator/storage site personnel who witnessed the packaging of the waste..."

Procedure WP 02-RC1108 does not state that when VE data forms or packaging logs (i.e., no video) are used to confirm waste, the data forms "must be signed by two generator/storage site personnel who witnessed the packaging of the waste." Therefore, NMED recommends the Permittees add this requirement to the procedure.

3. Permit Attachment B7, Section B7-1c(2), states, "The Permittees shall designate at least one VE expert. The VE expert shall be familiar with the processes that were used to generate the waste streams being confirmed using VE. The VE expert shall be responsible for the overall

direction and implementation of the Permittees' VE program. The Permittees shall specify the selection, qualification, and training requirements of the visual examination expert in an SOP." Permit Section B7-1d(2) states, "The comparability of VE data from different operators shall be enhanced by using standardized VE procedures and operator qualifications."

NMED is unable to determine if procedure WP 02-RC.11 applies to qualification and certification for radiography operators only, or includes visual examination operators as well. NMED recommends the Permittees revise this procedure to only apply to radiography operators, and that the Permittees develop a separate SOP for VE training and qualifications requirements for all VE confirmation personnel, including the selection, qualification, re-qualification, and training requirements for the VE expert.

NMED notes, however, that based on this inspection, all personnel performing confirmation at the Idaho Falls office appear to meet the minimum training requirements in Permit Attachment B7.

4. Permit Attachment B7, Section B7-1a states, "The Permittees management representative must be trained to the requirements of Level 2." Permit Section B7-1e(2) states, "The radiography and/or visual examination data for each shipment shall receive a Permittee management review. This review will be performed before the affected waste shipment is disposed of at the WIPP. The review shall be performed by a designated member of Permittee management."

NMED is unable to determine if there is a procedure that specifies training requirements for, or designation of, the Permittees Management Representative. NMED recommends the Permittees develop a SOP that includes these requirements.

NMED notes, however, that based on this inspection, all personnel performing the duties of Permittees Management Representative at the Idaho Falls office appear to meet the minimum training requirements in Permit Attachment B7.