



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



Hazardous Waste Bureau

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 14, 2010

Edward Ziemianski, Acting 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: REQUEST FOR INFORMATION
CCP WASTE STREAM LA-MHD01.001
WASTE ISOLATION PILOT PLANT (WIPP)
EPA ID # NM4890139088**

Dear Messrs. Ziemianski and Sharif:

Pursuant to section 74-4-4.3.A of the New Mexico Hazardous Waste Act (**HWA**), NMSA 1978, section 74-4-1 et seq., the New Mexico Environment Department (**NMED**) hereby requests that the Department of Energy and Washington TRU Solutions (collectively the Permittees) provide NMED the below-listed information concerning Central Characterization Project (**CCP**) waste stream LA-MHD01.001 no later than January 18, 2011.

Section 74-4-4.3.A of the HWA provides that “[f]or the purposes of developing or assisting in the development of any rules, conducting any study, taking any corrective action or enforcing the provisions of the Hazardous Waste Act, upon request of the secretary or his authorized representative, any person who generates, stores, treats, transports, disposes of or otherwise handles or has handled hazardous wastes shall furnish information relating to such hazardous wastes...”

Los Alamos National Laboratory (**LANL**) submits quarterly reports to NMED identifying the individual containers of Site Treatment Plan (**STP**)-covered mixed TRU waste shipped from LANL to the Waste Isolation Pilot Plant (**WIPP**). NMED has identified 37 containers in LANL’s FY 2010 quarterly reports that LANL described as “Solidified Inorganic and Organic Waste” and



that CCP assigned to waste stream LA-MHD01.001 (*see* listing of container numbers at Attachment 1).

LA-MHD01.001 is described in CCP Acceptable Knowledge (AK) Summary Report CCP-AK-LANL-006, Revision 9, as primarily heterogeneous debris with lesser amounts of homogeneous solids. Revision 9 also states that “containers including greater than 50 percent by volume homogeneous solids (e.g., hydroxide cake/filter materials, salts, and ash residues) will be excluded from this waste stream.”

NMED reviewed CCP radiography batch data reports (BDRs) for these 37 containers and found that the inventory for all 37 containers stated that there were metal cans with “material” in the containers. However, the “material” in those metal cans is not specifically identified, nor is it clear which waste material parameter the “material” is assigned to.

Because CCP’s characterization of this waste appears to be inconsistent with LANL’s, NMED requests the following information:

1. Copies of CCP real-time radiography (RTR) video/audio media for the containers listed in Attachment 1.
2. For any RTR video/audio media that do not describe or identify the “material” in these containers, submit other CCP characterization data that provides a more thorough description of the “material” in each container listed in Attachment 1 (*i.e.*, what the material is, what the waste matrix code is for the material, and which waste material parameter the material’s weight is assigned to in Section 4 of the BDRs).
3. Section 5.1 of CCP-AK-LANL-006, Revision 9, states: “Container specific records are reviewed for each container to verify the physical composition and origin of the waste stream inventory.” Provide copies of the AK documents (*e.g.*, LANL Waste Profile Forms, any other container specific records) CCP reviewed to determine the containers listed in Attachment 1 were appropriately delineated as belonging to LA-MHD01.001.
4. Table 2 (Waste Material Parameter Estimates for LA-MHD01.001) of CCP-AK-LANL-006, Revision 9, states that the “Weight Percent Range” for Inorganic Matrix is 0.00% - 72.48%. Provide the container IDs for any container with greater than 50% of its weight assigned to Inorganic Matrix. Also provide copies of the RTR BDRs and video/audio media (or alternately, VE BDRs), as well as the AK documents discussed in Section 5.1 of CCP-AK-LANL-006 (*see* Number 3 above) for these containers.
5. Several BDRs for the 37 containers listed in Attachment 1 include “Hagen cans” in the Section 3: Container Inventory and Comments (*e.g.*, Container 63676 in BDR LA-RTR2-08-0093). Provide a description of a “Hagen can,” including its general purpose, function, and usage at LANL.
6. The revision history of CCP-AK-LANL-006 states that Revision 7 was “Revised to include additional containers to waste stream LA-MHD01.001 and to update the affected sections (types and quantities of TRU waste generated, waste material parameters, estimated radionuclide distributions)...” Provide a list of the containers that were added to LA-MHD01.001 by Revision 7 and the reason(s) they were added, including AK

- source documents discussed in Section 5.1 of CCP-AK-LANL-006 (*see* Number 3 above).
7. The revision history of CCP-AK-LANL-006 states that Revision 8 was "Revised to remove originally generated homogeneous containers from waste stream LA-MHD01.001 added during Revision 7..." Provide a list of the containers that were removed from LA-MHD01.001 by Revision 8 and the reason(s) they were removed, including AK source documents discussed in Section 5.1 of CCP-AK-LANL-006 (*see* Number 3 above).
 8. The revision history of CCP-AK-LANL-006 states that Revision 9 was "Revised to include additional containers to waste stream LA-MHD01.001 that were originally characterized as homogeneous by Los Alamos National Laboratory..." Provide a list of the containers that were added to LA-MHD01.001 by Revision 9 and the reason(s) they were added, including AK source documents discussed in Section 5.1 of CCP-AK-LANL-006 (*see* Number 3 above).
 9. Provide Revision 10 of CCP-AK-LANL-006. If containers were added to or removed from LA-MHD01.001 in Revision 10, provide a list of the containers and the reason(s) they were added or removed, including AK source documents discussed in Section 5.1 of CCP-AK-LANL-006 (*see* Number 3 above).

Your compliance with this information request is mandatory. Failure to respond fully and truthfully within the time specified herein, or adequately justify such failure to respond, may result in an enforcement action by NMED pursuant to section 74-4-10 of the HWA. The HWA provides for the imposition of civil penalties for noncompliance. Section 74-4-12 of the HWA provides that any person who violates any provision of HWA "may be assessed a civil penalty not to exceed ten thousand dollars (\$10,000) for each day during any portion of which a violation occurs." See also sections 74-4-10.A and B of the HWA. The HWA also provides for criminal fines and imprisonment for knowingly omitting material information or making a false statement or representation in any document used for compliance with section 74-4-11.A(3) of the HWA.

The Permittees may claim confidentiality for any information required by this information request pursuant to the requirements of sections 74-4-4.3.D and F of the HWA, and 20.4.1.100 NMAC (incorporating 40 CFR 260.2).

Please submit your response to Tim Hall at the address on the letterhead no later than January 18, 2011. Contact Mr. Hall at (505) 476-6049 if you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

Messrs. Ziemiński and Sharif
December 14, 2010
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JPB:th

cc:

J. Kieling, NMED HWB
A. Vollmer, NMED HWB
T. Hall, NMED HWB
S. Pullen, NMED HWB
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A. Grieggs, ENV-RCRA, MS K490
P. Powers, ENV-ES, MS J798
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
C. Walker, TEA
WIPP File - Red '10

Attachment 1

Drum #	BDR #
63756	LA-RTR2-08-0086
63757	LA-RTR2-08-0086
63763	LA-RTR2-08-0086
63826	LA-RTR2-08-0088
63725	LA-RTR2-08-0089
63723	LA-RTR2-08-0090
63724	LA-RTR2-08-0090
63760	LA-RTR2-08-0090
63761	LA-RTR2-08-0090
63659	LA-RTR2-08-0090
62988	LA-RTR2-08-0090
63764	LA-RTR2-08-0091
61237	LA-RTR2-08-0091
63759	LA-RTR2-08-0092
63676	LA-RTR2-08-0093
60618	LA-RTR2-08-0100
62546	LA-RTR2-08-0101
62677	LA-RTR2-08-0104
61991	LA-RTR2-08-0105
62650	LA-RTR2-08-0105
62667	LA-RTR2-08-0105
63350	LA-RTR2-08-0107
63164	LA-RTR2-08-0120
63167	LA-RTR2-08-0120
63744	LA-RTR2-08-0121
63354	LA-RTR2-08-0190
61268	LA-RTR2-08-0190
62106	LA-RTR2-08-0191
64209	LA-RTR2-09-0173
64286	LA-RTR2-09-0174
64250	LA-RTR2-09-0174
64965	LA-RTR2-09-0180
64276	LA-RTR2-09-0180
64246	LA-RTR2-09-0180
64959	LA-RTR2-09-0183
64299	LA-RTR2-10-0011
62254	LA-RTR2-10-0054