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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 1, 2012

Jose Franco, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3100

M. Farok Sharif, President
Washington TRU Solutions LLC
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Carlsbad, New Mexico 88221-5608

**RE: NMED APPROVAL OF THE ADVANCED MIXED WASTE TREATMENT PROJECT FINAL
AUDIT REPORT, AUDIT A-12-03
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and Sharif:

On March 19, 2012, the New Mexico Environment Department (NMED) received the Final Audit Report of the Advanced Mixed Waste Treatment Project (AMWTP) Audit Number A-12-03 (**Audit Report**), from the Department of Energy's Carlsbad Field Office (CBFO). CBFO and Washington TRU Solutions LLC (**the Permittees**) were required to submit this Audit Report under the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit as specified in Permit Section 2.3.2.3. The intended scope of this recertification audit was to ensure the continued adequacy, implementation, and effectiveness of the AMWTP waste characterization processes for retrievably stored contact handled (CH) Summary Category Group (SCG) S3000 homogeneous solid and S5000 debris wastes, relative to the requirements of the WIPP Permit.

The Audit Report consisted of the following items:

- A narrative report (hardcopy and electronic)
- Copies of relevant Permit Attachment C6 checklists (hardcopy and electronic)
- Final AMWTP standard operating procedures for characterization of the waste categories listed above (hardcopy and electronic)



- Objective evidence examined during the audit:
 - General information
 - Acceptable knowledge
 - Headspace gas sampling
 - Solids sampling and analysis
 - Real-time radiography
 - Visual examination

NMED representatives observed the audit on November 1-3, 2011. NMED has examined the Audit Report for evidence of compliance with the requirements of Permit Sections 2.3.2 (Audit and Surveillance Program) and 2.3.1 (Waste Analysis Plan [WAP]). The Audit Report indicates there was one observation (conditions that, if not controlled, could result in conditions adverse to quality) and one recommendation for management consideration.

- Observation: During the Real-Time Radiography (RTR) scans, RTR operators need to clearly and audibly identify the contents of the container. Auditors observed that the audio/video media of the radiography examination may not be loud enough to verify that the RTR operator is characterizing 100% of the waste container. If not corrected, this practice may result in a condition adverse to quality.
- Recommendation: The audit team recommends that AMWTP revise the affected Acceptable Knowledge (AK) documents to ensure compliance with the December 2010 Waste Analysis Plan (WAP) requirements. The audit team reviewed three waste streams. The WAP Compliance Tracking Table, developed in an agreement established between New Mexico Environment Department (NMED) and Carlsbad Field Office (CBFO) at the Oak Ridge Audit in February 2011, was completed by the generators and reviewed during the audit. As a result, Document Change Requests (DCRs) were prepared and were submitted for two of the three waste streams along with a DCR for an AK procedure MP-TRUW-8.13, *Collection, Review, and Management of Acceptable Knowledge Documentation*, to address site-specific and/or state-enforced agreements in the assignment of Hazardous Waste Numbers (HWNs). These tracking tables and DCRs were attached to the final Audit Report.

NMED notes there was a similar observation during the last AMWTP Audit. Audit Report A-10-24 included the following observation, "After reviewing multiple RTR certification scans, the audit team noted that the audio on the RTR DVDs was often almost inaudible. In some cases, background noise can be heard, obscuring the identification of the container contents. If the audio portion of the DVD is inaudible, the contents of the waste container will not be identified as required in section 4.7 of INST-IO-12, Rev. 44...and in section 4.7 of INST-IO-81, Rev. 6... This poor audio quality could result in a condition adverse to quality."

NMED stresses the importance of quality RTR audio/video media to fulfill applicable requirements in the WIPP Permit. NMED agrees with the audit observations that if the RTR audio/video media is not corrected or improved, condition adverse to quality may result.

Attached are NMED's general comments based upon review of the Audit Report. These are provided to guide future audit report preparation and to assist the Permittees in understanding NMED's concerns.

NMED concludes that this Audit Report demonstrates that AMWTP has implemented the applicable characterization requirements of the WAP. Therefore, NMED approves the Permittees' Final Audit Report for AMWTP Audit A-12-03 for continued certification of retrievably stored S300 homogeneous solid and S5000 debris CH wastes, and amends the previous Audit Report for A-10-24 issued by NMED on January 22, 2011 to include only those waste forms and processes evaluated by this recertification audit.

This Audit Report approval is of the broad programmatic implementation of waste characterization requirements at AMWTP, and does not constitute approval of individual waste characterization procedures, nor condone inappropriate applications of those procedures. This approval does not relieve the Permittees of their obligation to comply with the requirements of the permit or other applicable laws and regulations.

If you have any questions regarding this matter, please contact Trais Kliphuis at (505) 476-6051.

Sincerely,



John Kieling
Chief
Hazardous Waste Bureau

JEK: tlk

cc: Jim Davis, Director, NMED RPD
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File: Red WIPP '12

**NMED COMMENTS ON THE
ADVANCED MIXED WASTE TREATMENT PROJECT
(AMWTP) FINAL AUDIT REPORT A-12-03**

NMED's review indicated that the body of the Audit Report and the C6 checklists generally appear to address the applicable elements. NMED provides the following comment for the Permittees consideration:

1. Question 12 of the C6 Checklist indicates that the citations given, MP-TRUW-8.9, S. 3.1 and MP-TRUW-8.11, S.3.2 answers the question. The NMED reviewer could not find any language that references the following: liquids in volumes, U134, untreated liquids, non-radioactive pyrophoric materials, hazardous wastes not occurring as co-contaminants, wastes incompatible with backfill, and wastes containing explosives or compressed gases. Therefore, the citations given do not satisfactorily answer the question. The checklist should also cite MP-TRUW-8.2, S. C-1c for completeness.
2. Question 12a of the C6 Checklist indicates that the citations given, MP-TRUW-8.9, S. 3.1 and MP-TRUW-8.11, S. 3.2 answers the question. The NMED reviewer could not find any language that references the following: wastes with PCBs; wastes with EPA Hazardous Waste Numbers D001, D002, and D003; waste that was ever managed as high-level waste and wastes from tanks as specified in Table C-8; any waste container from a waste stream (or waste stream lot) which has not undergone either radiographic or visual examination of a statistically representative subpopulation of the waste stream; and any waste container from a waste stream which has not been preceded by an appropriate, certified Waste Stream Profile Form. Therefore, the citations given do not satisfactorily answer the question. The checklist should also cite MP-TRUW-8.2, S. C-1c for completeness.
3. Questions 4b, 26, 144, 301, 304, 304a, and 313 of the C6 Checklist indicates that sections within procedure, INST-FOI-22 answers the question. This procedure was omitted from the Audit Report in both hardcopy and electronic.
4. Questions 44 and 45 of the C6 Checklist indicate that the citation given, MP-TRUW-8.2, S. C3-12 answers the question. This citation is incorrect and the correct citation is MP-TRUW-8.2, S. C3-13.
5. Question 51a of the C6 Checklist is in need of an explanation in the comments column of the checklist as to why the other columns (Location, Adequate? Y/N (Why?), Item Reviewed, and Adequate? Y/N) were given "N/A".
6. Question 148 of the C6 Checklist indicates that the citation given, LST-RTQP-03-IM, S. 2.0-Matrix Page 14 of 14 answers the question. This procedure was omitted from the audit report in both hardcopy and electronic.
7. Questions 182 and 231 of the C6 Checklist indicate that the citation given, MP-TRUW-8.25, S. 3.2 & 3.3 answers the question. The procedure was omitted from the Audit Report electronically.
8. Question 222 of the C6 Checklist indicates that the citation given, MP-TRUW-8.11, S. 4.8.3 answers the question. S. 4.8.3 does not exist in the procedure.