

**FW: Status of WIPP Class 2 PMR - Waste Analysis**

Maestas, Ricardo, NMENV  
Sent: Tuesday, March 26, 2013 9:56 AM  
To: Allen, Pam, NMENV



WIPP file

**From:** Kliphuis, Trais, NMENV  
**Sent:** Wednesday, January 30, 2013 10:08 AM  
**To:** Maestas, Ricardo, NMENV; Holmes, Steve, NMENV; Allen, Pam, NMENV  
**Subject:** FW: Status of WIPP Class 2 PMR - Waste Analysis

**From:** Kieling, John, NMENV  
**Sent:** Wednesday, January 30, 2013 10:07 AM  
**To:** Martin, David, NMENV; Skibitski, Thomas, NMENV  
**Cc:** Cobrain, Dave, NMENV; Kliphuis, Trais, NMENV  
**Subject:** Status of WIPP Class 2 PMR - Waste Analysis

Secretary and Tom,

I am providing a status of the WIPP Class 2 permit modification request (PMR) should you receive any inquiries. I will brief you sometime after the comment period has concluded to which a final decision will need to be made.

The PMR was submitted on December 12, 2012. The Permittees had two submittal meetings (January 15<sup>th</sup> in Carlsbad with approximately 15 attendants and Jan 17 in Santa Fe with approximately 5 attendants). The 60 day public comment period is going on. It ends on February 18<sup>th</sup>. NMED has received one letter thus far. It is in support of the PMR written by Carlsbad Mayor Dale Janway.

NMED has performed an extensive review of the PMR and currently believes the request is generally reasonable but there is one issue.

At this point, we are considering approving the PMR with modifications but as you know, the public comments may affect this assessment. The issue is that there is serious apprehension about entirely removing the requirement to sample as we believe there may be situations where sampling may be necessary and NMED should retain the authority if such a situation it occurs. It is not in the best interest of New Mexico to relinquish its authority to require chemical sampling of waste destined for disposal at WIPP. Consequently, NMED has drafted and presented language that would require sampling upon request by NMED. The current requirement to sample on a regular basis would be removed entirely. The proposed language also provides an opportunity for the Permittees to respond to an inquiry about a waste stream prior to NMED making a final determination to sample. The sections of the PMR that detailed the testing methods and audits of these would be removed as the Permittees requested. Thus, we believe this approach to be reasonable. The drafted language was presented to WIPP on January 16, 2012 (see attached). The language was also presented to EPA region 6 who suggested some changes that have not yet been presented to WIPP but are definitely worth discussing.

HWB staff will be meeting with WIPP staff in Santa Fe to discuss this and other items in early February.

You can call me or Trais should you have any further questions.

Thanks,  
John Kieling

