

Santa Fe, New Mexico

May 14, 2013

U.S. Department of Energy
Class 2 Permit Modification
(Modify Excluded Waste Prohibition)
To the Hazardous Waste Facility Permit
Waste Isolation Pilot Plant

	Name <i>Please Print All Information Clearly</i>	Mailing Address <i>Would You Like to be on the Mailing List</i>	Yes/No
	Trais Kliphuis	—	✓
	Coleman Smith	—	—
	Katie Richardson	625 Silver Ave SW ABQ, NM 87102	✓
	Scott Kovac		
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Class 2

Permit Modification Request

Modify Excluded Waste Prohibition

May 2013



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1

Courtyard by Marriott
May 14, 2013 3:00 PM

Scope of the Modification

- This Permit Modification Request proposes to modify the language in the Permit regarding the excluded waste prohibition, and associated text pertaining to transuranic mixed waste that has ever been managed as high-level waste and waste from specified tanks listed in the Permit.
- The Permit Modification Request does **NOT** propose to allow U. S. Department of Energy to accept and dispose of high-level waste at the WIPP facility.
 - Permit Modification Request modifies text to explicitly state that high-level waste is not acceptable at the WIPP facility
 - High-level waste is prohibited by the WIPP Land Withdrawal Act



Scope of the Modification (cont.)

- This Permit Modification Request affects 5 pages of the Permit
 - Revises Part 2, Section 2.3.3.8. *Excluded Waste* and delete Table 2.3.3.8., *Additional Approved Waste Streams*
 - Revises Attachment C, *Waste Analysis Plan*, Section C-1c, *Waste Prohibited at the WIPP Facility* and delete text in Table C-4, *Waste Tanks Subject to Exclusion*
 - Revises Attachment C6, *Audit and Surveillance Program*, Table C6-1, *Waste Analysis Plan (WAP) Checklist*



Regulatory Basis for the Modification

- Resource Conservation and Recovery Act (NM Hazardous Waste Act)
 - Driver for WIPP Permit
 - Regulates hazardous chemical components of waste
 - Does not regulate radioactive components of mixed waste
 - Does not regulate nuclear waste classification
 - Does not regulate based on nuclear waste classification
 - Assigns authority for classification of hazardous waste based on the chemical constituents of the waste to the U. S. Environmental Protection Agency. That authority has been delegated to the New Mexico Environment Department.

Regulatory Basis for the Modification (continued)

- WIPP Land Withdrawal Act
 - Authorizes, and stipulates limitations for, the disposal of contact-handled and remote-handled transuranic waste at the WIPP facility
 - Includes transuranic mixed waste
 - Bans the transportation to and disposal of high-level waste and spent nuclear fuel at the WIPP facility



Regulatory Basis for the Modification (continued)

- Atomic Energy Act and Nuclear Waste Policy Act
 - Regulations based on the radioactive components of waste
 - Classifies waste based on the radioactive components of the waste
 - Regulates nuclear safety
 - Provides definitions for types of radioactive waste (high-level waste and transuranic waste)
 - Assigns the authority and responsibility for atomic energy defense activities including defense nuclear waste management to the U. S. Department of Energy



Chemical Compatibility

- Waste is required to be assessed for chemical compatibility before transport to the WIPP facility
- There is a standard Resource Conservation and Recovery Act hazardous waste compatibility evaluation methodology
 - Initial evaluation performed in 1995
 - Updated evaluation attached to the Permit Modification Request
- Waste listed in the WIPP Permit has been determined to be compatible



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Benefits of the Permit Modification Request

- Keeps the Permit focused on decision-making related to and required by the hazardous waste regulations
 - Retains the New Mexico Environment Department in a position to determine if the Permit-required documentation regarding the characterization of a tank-derived transuranic waste stream meets the Permit standards
- Keeps the decision making associated with defense nuclear waste classification with the U.S. Department of Energy
 - The U.S. Department of Energy has the responsibility and authority to make decisions regarding defense nuclear waste classification
 - The National Environmental Policy Act process provides the opportunity for public comments



Benefits of the Permit Modification Request (continued)

- Eliminates language in the Permit that adds unnecessary delay and the use of resources associated with the approval of multiple Class 3 Permit Modification Requests thereby facilitating timely risk reduction at sites contaminated with transuranic waste
- Makes the Permit consistent with the Land Withdrawal Act by clearly banning the disposal of high-level waste at the WIPP facility

Classification of the Proposed Modification Request

- Class 2 – Class 2 PMR: 40 CFR 270.42, Appendix I Item B) “*General Facility Standards...1. Changes to waste sampling or analysis methods:...d. Other changes*”
- Precedents for this classification
 - Revised the Polychlorinated Chlorinated Biphenyl (PCB) Prohibition as a Class 2 PMR (September 11, 2003)
 - Tank Waste Exclusion added as a Class 2 PMR (October 29, 2004)
- Correct designation per 40 CFR 270.42, Appendix I

