



NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us

RYAN FLYNN
Cabinet Secretary Designate

BUTCH TONGATE
Deputy Secretary

TOM BLAINE, P.E.
Director
Environmental Health Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 12, 2013

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

M. Farok Sharif, Project Manager
Nuclear Waste Partnership LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

**RE: RESPONSE TO AUGUST 1, 2013 LETTER REGARDING OVERPACKING OF
MULTIPLE WASTE STREAMS IN A SINGLE PAYLOAD CONTAINER
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and Sharif:

The New Mexico Environment Department (NMED) received a letter on August 1, 2013 regarding overpacking of multiple waste streams into a single payload container. The letter informed NMED of the Department of Energy's decision to instruct generator sites that they may begin overpacking multiple waste streams into a single payload container. The letter includes a review by Regulatory Environmental Services performed to ensure a change to the WIPP overpacking practice would not violate any regulatory requirements. It then states "The reviews concluded that overpacking of multiple waste streams into a single payload container, with one exception is not prohibited by regulation."

NMED questions whether this statement is complete and whether the regulatory evaluation attached to the letter is complete. In particular, the statement on page 4 of the analysis states "...there are no requirements specified pertaining to overpacking multiple waste streams into a single overpack container." Permit Attachment C, section C-5a(2) on page C-20, clearly states that a determination of compatibility is required for every container holding TRU mixed waste. It states, "The Permittees will also verify that three different types of data specified below are



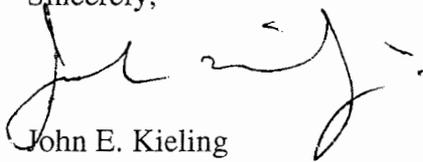
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available for every container holding TRU mixed waste before that waste is managed, stored, or disposed at WIPP: 1) an assignment of the waste stream's waste description (by Waste Matrix Codes) and Waste Matrix Code Group; 2) a determination of ignitability, reactivity, and corrosivity; and 3) a determination of compatibility."

NMED would like written clarification regarding how the above mentioned requirement will be met for the multiple-stream overpacked containers including damaged containers.

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

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: Tom Blaine, NMED EHD
Tom Kesterson, NMED DOEOB
Trais Kliphuis, NMED HWB
Tom Peake, EPA ORIA
Laurie King, EPA Region 6

File: Red WIPP 2013