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Hazardous Waste Bureau

Mr. John E. Kieling, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

Subject: Notification of Class 1 Permit Modification to the Waste Isolation Pilot Plant Hazardous Waste Facility Permit Number: NM4890139088-TSDF

Dear Mr. Kieling:

Enclosed are five Class 1 Permit Modification Notifications entitled:

- Contingency Plan Update- Equipment used for Internal Communications
- Contingency Plan Update- Editorial Change in Attachment D, Section D-4d(10)
- Contingency Plan Update- Contact Information Tables D-8 and D-9
- Editorial Change in Attachment C, Table C6-1, Item 28
- Contingency Plan Update- Resource Conservation Recovery Act (RCRA) Emergency Coordinator Clarification

We certify under penalty of law that this document and all attachments were prepared under our direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on our inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of our knowledge and belief, true, accurate, and complete. We are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you have any questions, please contact Mr. George T. Basabilvazo at 575-234-7488.

Sincerely,

Jose R. Franco
Jose R. Franco, Manager
Carlsbad Field Office

Robert L. McQuinn
Robert L. McQuinn, Project Manager
Nuclear Waste Partnership LLC

Enclosure

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Class 1 Permit Modification Notifications

**Contingency Plan Update-Equipment used for Internal Communications
Contingency Plan Update-Editorial Change in Attachment D, Section D-4d(10)
Contingency Plan Update-Contact Information Tables D-8 and D-9
Editorial Change in Attachment C, Table C6-1, Item 28
Contingency Plan Update-RCRA Emergency Coordinator Clarification**

**Waste Isolation Pilot Plant
Carlsbad, New Mexico**

WIPP Permit Number - NM4890139088-TSDF

November 2014

Table of Contents

Table of Contents.....	i
Overview of the Permit Modification Notifications.....	1
Attachment A Description of the Class 1 Permit Modification Notifications	A-1
Table 1. Class 1 Hazardous Waste Facility Permit Modification Notifications	A-2
Item 1	A-3
Description	A-3
Basis	A-3
Discussion.....	A-3
Proposed Revised Permit Text	A-4
Item 2.....	A-5
Description	A-5
Basis	A-5
Discussion.....	A-5
Proposed Revised Permit Text	A-6
Item 3	A-7
Description	A-7
Basis	A-7
Discussion.....	A-7
Proposed Revised Permit Text	A-8
Item 4	A-16
Description	A-16
Basis	A-16
Discussion.....	A-16
Proposed Revised Permit Text	A-17
Item 5	A-18
Description	A-18
Basis	A-18
Discussion.....	A-18
Proposed Revised Permit Text	A-19

Overview of the Permit Modification Notifications

This document contains five Class 1 Permit Modification Notifications (**PMNs**) for the Waste Isolation Pilot Plant (**WIPP**) Hazardous Waste Facility Permit (**Permit**) Number NM4890139088-TSDF.

These PMNs are being submitted by the U.S. Department of Energy (**DOE**) and Nuclear Waste Partnership LLC, collectively referred to as the Permittees, in accordance with Permit Part 1, Section 1.3.1. (20.4.1.900 New Mexico Administrative Code (**NMAC**) incorporating Title 40 of the Code of Federal Regulations (**CFR**) §270.42(a)). The PMNs in this document are necessary to notify the New Mexico Environment Department (**NMED**) of changes which impact the Permit. These changes do not reduce the ability of the Permittees to provide continued protection to human health and the environment.

The requested modifications to the Permit and any related supporting documents are provided in these PMNs. The proposed modifications to the text of the Permit have been identified using red text and double underline and a ~~strikeout~~ font for deleted information. Direct quotations are indicated by italicized text.

Attachment A
Description of the Class 1 Permit Modification Notifications

Table 1. Class 1 Hazardous Waste Facility Permit Modification Notifications

Affected Permit Section	Change Description	Category
Attachment D, Section D-4a(1)	This modification to Permit Attachment D, Section D-4a(1) clarifies that the RCRA Emergency Coordinator may notify the ERT using pagers, the public announcement (PA) system, and/or other communication devices (e.g., phone, pager, cellular phone). In addition, the RCRA Emergency Coordinator may instruct the Central Monitoring Room Operator (CMRO) to make a Public Address (PA) announcement and/or use other communication devices (e.g., telephone, pager, cellular phone) to notify the Mine Rescue Team (MRT) to assemble in the Mine Rescue Room when needed.	B.6.b
Attachment D, Section D-4d(10)	This modification changes a reference in Attachment D, Section D-4d(10) from "Permit Attachment I3" to "Permit Attachment G3."	A.1
Attachment D, Table D-8 and Table D-9	This modification updates Attachment D, Table D-8, Hazardous Release Reporting, Federal and Table D-9, Hazardous Release Reporting, State of New Mexico with current contact information.	B.6.d
Attachment C6, Table C6-1	This modification adds Permit reference "C4-3e" to Permit Attachment C6, Table C6-1, Item 28 to be consistent with the other items in the table.	A.1
Attachment D, Sections D-4a(1) and D-4d	This modification to Permit Attachment D, Sections D-4a(1) and D-4d(3) will clarify language in the Permit regarding the designation of the incident commander in the RCRA Contingency Plan. This change will ensure that the duties of the RCRA Emergency Coordinator and the Incident Commander are defined consistent with their training.	A.1

Item 1

Description

This modification to Permit Attachment D, Section D-4a(1) clarifies that the RCRA Emergency Coordinator may notify the ERT using pagers, the public announcement (PA) system, and/or other communication devices (e.g., phone, pager, cellular phone). In addition, the RCRA Emergency Coordinator may instruct the Central Monitoring Room Operator (**CMRO**) to make a Public Address (**PA**) announcement and/or use other communication devices (e.g., telephone, pager, cellular phone) to notify the Mine Rescue Team (**MRT**) to assemble in the Mine Rescue Room when needed.

Basis

The change is classified as a "Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed" and is, therefore, a Class 1 modification pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, B.6.b).

Discussion

This change is needed to provide alternative means of communicating with the emergency response personnel in situations when the Central Monitoring Room (CMR) is not accessible due to emergency situations and/or is operating from a remote location. The change is also necessary in the event the CMR PA system is not operational or audible to personnel in remote areas of the facility.

Proposed Revised Permit Text

D-4a(1) Initial Emergency Response and Alerting the RCRA Emergency Coordinator

The EST/FPT is also notified in case of fire, explosion, or release. The RCRA Emergency Coordinator, as incident commander, determines if supplemental emergency responders are necessary. Notification of the ERT (surface) is made by using the ERT pagers and/or the public announcement system and/or other equivalent communication devices (e.g., phone, pager, cellular phone). Notification of the FLIRT is by using the Mine Page Phone System. If the MRT is needed the RCRA Emergency Coordinator will instruct the CMRO to ~~make a~~ use the PA announcement system or other communication devices (e.g., phone, pager, cellular phone) to make an announcement for the MRT to assemble in the Mine Rescue Room, located in a predetermined location.

Item 2

Description

This modification changes a reference in Attachment D, Section D-4d(10) from "Permit Attachment I3" to "Permit Attachment G3."

Basis

The change is classified as an "Administrative and informational change" and is, therefore, a Class 1 modification pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, A.1).

Discussion

This change is necessary to correct the reference from "Permit Attachment I3" to "Permit Attachment G3." There is no Permit Attachment I3 in the Permit. The correct reference is Permit Attachment G3.

Proposed Revised Permit Text

D-4d(10) Emergency Termination Procedures

If radioactive contamination is detected on equipment or on structures, it will be assumed that hazardous constituents may also be present. Radiological surveys to determine whether a potential release of hazardous constituents has occurred (Permit Attachment-13 G3) will be used along with other techniques as a detection method to determine when decontamination is required. Radiological cleanup standards will be used to determine the effectiveness of decontamination efforts. To provide verification of the effectiveness of the removal of hazardous waste constituents, once a contaminated surface is demonstrated to be radiologically clean, the "swipe" can be sent for analysis for hazardous constituents. The use of these confirmation analyses is as follows:

Item 3

Description

Attachment D, Table D-8, *Hazardous Release Reporting, Federal* and Table D-9, *Hazardous Release Reporting, State of New Mexico* has been updated with current contact information.

Basis

The change is classified as a "Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan" and is, therefore, a Class 1 modification pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, B.6.d).

Discussion

This change is necessary to update contact information for various agencies that are to be notified when the RCRA Contingency Plan is implemented. The State Emergency Response Commission was transferred from the Department of Public Safety to the Department of Homeland Security and Emergency Management. This modification reflects this organizational change.

The WIPP Emergency Management & Security Department Manager has determined that certain emergency contacts for the State of New Mexico, Eddy County, and Lea County should be made through central dispatch services to assure timely notification. These central dispatch services will contact the appropriate officials associated with the New Mexico Department of Homeland Security and Emergency Management, State Emergency Response Committee, the local emergency planning committee and Lea County. The RCRA Emergency Coordinator will also determine if the New Mexico State Police Hazardous Material Emergency Response Group must also be contacted depending upon the situation for which the RCRA Contingency Plan was implemented. The Permittees have provided additional detail regarding the local emergency planning committee and Lea County Emergency Manager. The updated telephone numbers are also included for these agencies.

Proposed Revised Permit Text

Table D-8
Hazardous Release Reporting, Federal

Statute	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)/Superfund Amendments and Reauthorization Act (SARA) (40 CFR Part 302)	"Reportable quantities" of CERCLA/SARA "hazardous substances."	National Response Center: (800) 424-8802, State Emergency Response Commission (SERC): (505) 476-9684 (New Mexico State Police, Hazardous Materials Emergency Response), and Local Emergency Planning Committee: (575) 885-3684 and the, <u>State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200</u> <u>Eddy County Emergency Manager via the Eddy County Regional Dispatch Authority (575) 616-7155</u> <u>Lea County Emergency Manager via the Lea County Emergency Communications Authority (575) 397-9265</u>	1) Chemical identification; 2) what hazardous substance; 3) quantity released; 4) time, location and duration of release; 5) media of release; 6) health risks and medical advice; 7) proper precautions (e.g., evacuation); and 8) name and phone number of reporter and facility.	As soon as practicable, update of oral notice and response action taken. Send report to: New Mexico State Emergency Response Commission, Department of <u>Homeland Security and Emergency Management</u> Public Safety, Title III Bureau, P.O. Box <u>271114628</u> , Santa Fe, New Mexico, 87502-4628, and <u>Eddy County Local Emergency Manager, 1923 Dal Paso, Suite A, Hobbs New Mexico 88240</u> . National Response Center will contact the U.S. Environmental Protection Agency (EPA). EPA may request a written report.

Statute	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
Emergency Planning and Community Right-to-Know Act (SARA Title III) (40 CFR Parts 302 and 355)	SARA Title III "extremely hazardous substances."	National Response Center: (800) 424-8802, State Emergency Response Commission: (505) 476-0681 (New Mexico State Police, Hazardous Materials Emergency Response), Local Emergency Planning Committee: (575) 885-3581, <u>and the State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200</u> <u>Eddy County Emergency Manager via the Eddy County Regional Dispatch Authority (575) 616-7155</u> <u>Lea County Emergency Manager via the Lea County Emergency Communications Authority (575) 397-9265</u>	1) Chemical identification; 2) what extremely hazardous substance; 3) quantity released; 4) time, location and duration of release; 5) media of release; 6) health risks and medical advice; 7) proper precautions (e.g. evacuation); and 8) name and phone number of reporter and facility.	As soon as practicable, update of oral notice and response action taken. Send report to: New Mexico State Emergency Response Commission, Department of <u>Homeland Security and Emergency Management</u> Public Safety, Title III Bureau, P.O. Box <u>271114628</u> , Santa Fe, New Mexico, 87502-4628, and <u>Eddy County Local Emergency Manager</u> , Planning Committee, 324 S. Canyon Street, Suite B, Carlsbad, New Mexico 88220 <u>and</u> <u>Lea County Emergency Manager, 1923 Dal Paso, Suite A, Hobbs New Mexico, 88240</u> . National Response Center will contact the U.S. Environmental Protection Agency (EPA) for an address if a written report is requested by EPA.

Statute	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
Resource Conservation and Recovery Act (RCRA), 40 CFR §§264.56(a) and 265.56(a)	Any imminent or actual emergency situation.	State or local agencies with designated response roles, if their help is needed: <u>Carlsbad Police Department: 885-2111; Carlsbad Fire Department: 885-2111; Eddy County Sheriff: 887-7551.</u> <u>State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200</u> <u>Eddy County Regional Dispatch Authority (575) 616-7155</u> <u>City of Carlsbad Emergency Dispatch Center (575) 885-2111</u> <u>Lea County Emergency Communications Authority (575) 397-9265</u>	What assistance is required.	Not Applicable (NA)
RCRA, 40 CFR §§264.56(d), 264.56(i), 265.56(d), and 265.56(i)	RCRA "hazardous waste" release, fire, or explosion, which could threaten human health or environment outside the facility.	National Response Center: (800) 424-8802, and State Emergency Response Commission and the <u>State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200; (506) 476-9681 (New Mexico State Police, Hazardous Materials Emergency Response).</u>	(1) Name and telephone number of reporter; (2) name and telephone number of facility; (3) time and type of incident; (4) name and quantity of materials involved; (5) extent of injuries, if any; and (6) possible health or environmental hazards outside the facility.	Prior to resumption of operations, notify that: (1) no waste that may be incompatible with released material is treated, stored, or disposed of until cleanup is complete, and (2) all emergency equipment listed in the Contingency Plan is cleaned and fit for its intended use. Send to Secretary, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico, 87502.

Statute	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
RCRA, 40 CFR §§264.56(i), 264.56(j), 265.56(i), and 265.56(j)	Any incident which triggers implementation of Contingency Plan.	New Mexico Environment Department, Emergency Response Office, 24-hour telephone: (505) 827-9329 (emergencies); for non-emergencies contact (866) 428-6535 (24 hour voice mail) or Monday to Friday, 8 am to 5 pm: (505) 476-6000.	NA	Within 15 days: 1) name, address and telephone number of owner/operator; 2) name, address and telephone number of facility; 3) date, time and type of incident (e.g. fire, explosion); 4) name and quantity of materials involved; 5) extent of injuries, if any; 6) possible hazards to human health or the environment; 7) estimated quantity of material that resulted from the incident. Prior to resumption of operations, notify that: 1) no waste that may be incompatible with released material is treated, stored, or disposed of until cleanup is complete, and 2) all emergency equipment listed in the Contingency Plan is cleaned and fit for its intended use. Send to Secretary, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico, 87502.

**Table D-9
Hazardous Release Reporting, State of New Mexico**

Regulations	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
20.4.1.500 and 600 NMAC	RCRA "hazardous waste" releases, fire, or explosion, which could threaten human health or environment outside the facility.	National Response Center: (800) 424-8802; State Emergency Response Commission; and (505) 476-9620 (New Mexico State Police, Hazardous Materials Emergency Response) and the State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200	1) Name and telephone number of reporter; 2) name and telephone number of facility; 3) time and type of incident; 4) name and quantity of material involved; 5) extent of injuries, if any; and 6) possible health or environmental hazards outside the facility.	Prior to resumption of operations, notify that: 1) no waste that may be incompatible with released material is treated, stored, or disposed of until cleanup is complete, and 2) all emergency equipment listed in the Contingency Plan is cleaned and fit for its intended use. Send to Secretary, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico, 87502.

Regulations	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
20.4.1.500 and .600 NMAC	Any incident which triggers implementation of Contingency Plan.	New Mexico Environment Department, Emergency Response Office, 24-hour telephone: (505) 827-9329 (emergencies); for non-emergencies contact (866) 428-6535 (24 hour voice mail) or Monday to Friday, 8 am to 5 pm: (505) 476-6000.	1) Name and telephone number of reporter; 2) name and address of facility; 3) name and quantity of materials involved, to extent known; 4) extent of injuries, if any; and 5) possible hazards to human health or the environment, outside the facility.	Within 15 days: 1) name, address and telephone number of owner/operator; 2) name, address and telephone number of facility; 3) date, time and type of incident (e.g., fire, explosion); 4) name and quantity of materials involved; 5) extent of injuries, if any; 6) possible hazards to human health or the environment; and 7) estimated quantity of material that resulted from the incident. Prior to resumption of operations, notify that: 1) no waste that may be incompatible with released material is treated, stored or disposed of until cleanup is complete, and 2) all emergency equipment listed in the Contingency Plan is cleaned and fit for its intended use. Send to Secretary, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico, 87502.

Regulations	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
New Mexico Emergency Management Act, Section 74-4B-5	Any accident (spill) involving hazardous materials (including hazardous substances, radioactive substances, or a combination thereof) which may endanger human health or the environment.	New Mexico Environment Department; <u>Monday to Friday 8 am to 5 pm: (505) 476-6000, after business hours call: (505) 827-9329</u> , State Emergency Response Commission: (505) 476-9684 (New Mexico State Police, Hazardous Materials Emergency Response), and Local Emergency Planning Committee: (575) 885-3584, <u>and the State of New Mexico Homeland Security and Emergency Management via the District 3, DPS Dispatch Center (575) 622-7200</u> <u>Eddy County Emergency Manager via the Eddy County Regional Dispatch Authority (575) 616-7155</u> <u>Lea County Emergency Manager: (575) 605-6561, and New Mexico Department of Public Safety (505) 554-7565.</u>	1) Name, address and telephone number of owner or operator; 2) name, address and telephone number of facility; 3) date, time and type of incident; 4) name and quantity of material(s) involved; 5) extent of any injuries; 6) assessment of actual or potential threat to environment or human health; and 7) estimated quantity and disposition of recovered material.	Written submission within one week of time permittees become aware of discharge. Same as oral and description of noncompliance and its cause, the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence. Send reports to New Mexico Environment Department, Chief, Ground Water Quality Bureau, P.O. Box 26110, Santa Fe, New Mexico, 87502, New Mexico State Emergency Response Commission, <u>Homeland Security and Emergency Management, P.O. Box 27111, Santa Fe, New Mexico, 87502</u> Department of Public Safety, Title III Bureau, P.O. Box 1628 Santa Fe, New Mexico, 87504-1628, and <u>Eddy County Local Emergency Manager</u> Planning Committee, 324 S. Canyon Street, Suite B, Carlsbad, New Mexico 88220 <u>and Lea County Emergency Manager, 1923 Dal Paso, Suite A, Hobbs New Mexico, 88240.</u>

Regulations	Chemical Releases Covered	To Whom Report Will Be Made	What Will Be Reported	
			Immediately (Oral)	Subsequently (Written)
New Mexico Water Quality Control Commission, Part 1, Section 203	Any discharge from any facility of oil or any other water contaminant in such quantities as may, with reasonable probability, injure or be detrimental to human health, animal or plant life, or property.	Chief, Ground Water Quality Bureau, New Mexico Environment Department, or his counterpart in any constituent agency delegated responsibility for enforcement of the rules as to any facility subject to such delegation (505) 827-2948 <u>2919</u> .	Within 24 hours: 1) the name, address, and telephone number of the person or persons in charge of the facility; 2) the name, address, and telephone number of the owner/operator of the facility; 3) the date, time, location, and duration of the discharge; 4) the source and cause of the discharge; 5) a description of the discharge, including its chemical composition; and 6) the estimated volume of discharge, and immediate damage from the discharge.	Submit within seven days: verification of the prior oral notification, also provide any appropriate additions or corrections to the information contained in the prior oral notification. Within 15 days: submit a written report describing any corrective actions taken and/or to be taken relative to the discharge. Send reports to Chief, Ground Water Quality Bureau, New Mexico Environment Department, P.O. Box 26110, Santa Fe, New Mexico, 87502.
New Mexico Underground Storage Tank Regulations-2	Any known or suspected release from an Underground Storage Tank (UST) system, any spill or any other emergency situation.	New Mexico Environment Department Petroleum Storage Tank Bureau (505) 984-4744 <u>476-4397</u> .	Within 24 hours: 1) the name, address, and telephone number of the agent in charge of the site at which the UST system is located, as well as the owner/operator of the system; 2) the name and address of the site and the location of the UST system on that site; 3) the date, time, location, and duration of the spill, release, or suspected release; 4) the source and cause of the spill, release, or suspected release; 5) a description of the spill, release, or suspected release, including its chemical composition; 6) the estimated volume of the spill, release, or suspected release; and 7) action taken to mitigate immediate damage from the spill, release, or suspected release.	Mail or deliver within seven days of the incident, a written notice describing the spill, release, or suspected release and any investigation or follow-up action taken or to be taken. Send reports to Petroleum Storage Tank Bureau, New Mexico Environment Department, 2044 Galisteo Street, Santa Fe, New Mexico, 87504.

Item 4

Description

This modification adds Permit reference "C4-3e" to Permit Attachment C6, Table C6-1, Item 28 to be consistent with the other items in the table.

Basis

The change is classified as an "Administrative and informational change" and is, therefore, a Class 1 modification pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, A.1).

Discussion

This change is needed to add Permit reference "C4-3e" to Item 28 in Attachment C6, Table C6-1. Each item in Table C6-1 references a section in the Permit.

Proposed Revised Permit Text

Table C6-1 Waste Analysis Plan (WAP) General Checklist for use at DOE'S Generator/Storage Sites

General Characterization Requirements						
25	Are procedures in place to ensure that Acceptable Knowledge is used in waste characterization activities to delineate TRU mixed waste streams, to assess whether TRU mixed wastes comply with the TSDF-WAC, to assess whether TRU mixed waste exhibits a hazardous characteristic (20.4.1.200 NMAC, incorporating 40 CFR 261 Subpart C), and to assess whether TRU wastes are listed (20.4.1.200 NMAC, incorporating 40 CFR 261 Subpart D), and to estimate waste material parameter weights? (Section C-3a)					
26	Are procedures in place to ensure that radiography and/or visual examination are used as necessary to: <ul style="list-style-type: none"> • Examine a waste container to determine the physical form • Identify observable liquid in excess of TSDF-WAC limits and containerized gases • Verify the physical form matches the waste stream description (Section C-3b)					
28	Are procedures in place to ensure that the following characterization activities shall occur: <ul style="list-style-type: none"> • Acceptable Knowledge for all wastes, with testing as necessary to augment AK including: <ul style="list-style-type: none"> - Visual examination or radiography for all waste containers (Section C-3e)					

Item 5

Description

This modification to Permit Attachment D, Sections D-4a(1) and D-4d(3) will clarify language in the Permit regarding the designation of the incident commander in the RCRA Contingency Plan. This change will ensure that the duties of the RCRA Emergency Coordinator and the Incident Commander are defined consistent with their training.

Basis

The change is classified as an "Administrative and informational change" and is, therefore, a Class 1 modification pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, A.1).

Discussion

The term "Incident Commander" is used four times in the RCRA Contingency Plan. In two instances (i.e., Attachment D, Sections D-4a(1) and D-4d(3)) it applies to the RCRA Emergency Coordinator. In the other two instances it applies to the person in charge of the Fire Brigade (i.e., Attachment D, Sections D-2 and D-6). Furthermore, only the Fire Protection Engineer is trained to serve as the Incident Commander per Permit Attachment F, Page F1-36. This modification eliminates the confusion regarding the Incident Commander by removing the references to the RCRA Emergency Coordinator as the Incident Commander.

The term "command" is used in Attachment D, Section D-4d(3) implying that the RCRA Emergency Coordinator participates in emergency response activities. Permit Part 2, Section 2.12.4 and the RCRA Contingency Plan Attachment D, Section D-2 states that the RCRA Emergency Coordinator's responsibility is to make the resources needed available to the emergency responders but does not require him to serve as a responder. It is the responsibility of the trained emergency responders to implement the resources under the leadership of an individual or individuals designated as the Incident Commander. This modification clarifies that the RCRA Emergency Coordinator is not required to also serve as an emergency responder or as Incident Commander. This change clarifies that it is the responsibility of the RCRA Emergency Coordinator is to provide as opposed to command the necessary resources to implement the Contingency Plan (as required by Permit Part 2, Section 2.12.4 and Attachment D, Section D-2) based on advice and recommendation from emergency personnel. This modification does not change the procedures for responding to spills or releases of hazardous waste.

Proposed Revised Permit Text

D-4a(1) Initial Emergency Response and Alerting the RCRA Emergency Coordinator

The EST/FPT is also notified in case of fire, explosion, or release. The RCRA Emergency Coordinator, ~~as incident commander~~, determines if supplemental emergency responders are necessary. Notification of the ERT (surface) is made by using the ERT pagers and/or the public announcement system. Notification of the FLIRT is by using the Mine Page Phone System. If the MRT is needed the RCRA Emergency Coordinator will instruct the CMRO to make a PA announcement for the MRT to assemble in the Mine Rescue Room, located in a predetermined location.

D-4d(3) Explosion

The following actions will be implemented in the event that an explosion that involves or threatens hazardous or TRU mixed waste or hazardous materials has occurred:

1. The area will be evacuated immediately.
2. The CMRO will immediately notify the appropriate emergency response personnel and the RCRA Emergency Coordinator about the explosion.
3. Injured personnel will be treated and transported as necessary.
4. The RCRA Emergency Coordinator will remain in contact with responding personnel to advise them of the known hazards involved and the degree and location of the explosion and associated fires.
5. As required by Permit Part 2, Section 2.12.4 and Attachment D, Section D-2, the RCRA Emergency Coordinator has the authority to commit the necessary resources to implement the RCRA Contingency Plan. will be in command and The RCRA Emergency Coordinator may accept and evaluate the advice of WIPP facility personnel and emergency response organization members with regard to the selection of methods and tactics of response, but retains the overall responsibility to commit the resources necessary to implement the RCRA Contingency Plan. Selections of methods and tactics of response are the responsibility of the Incident Commander.