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Hazardous Waste

Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221

DEC 2 2 2016

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

Subject: Notification of Anticipated Noncompliance with Permit Requirements, Waste Isolation Pilot Plant Hazardous Waste Facility Permit Number: NM4890139088-TSDF

Dear Mr. Kieling:

The purpose of this letter is to provide notice that the Permittees intend to permanently dispose of waste, in a permitted Hazardous Waste Disposal Unit, that does not fully meet the Treatment, Storage, and Disposal Facility Waste Acceptance Criteria (TSDF-WAC) requirements specified in the Permit Part 2, Section 2.3.3.1., *Liquid*, and Section 2.3.3.7., *Ignitable, Corrosive, and Reactive Waste*, and the requirements of Section 2.3.4., *Permitted TRU Mixed Waste*. In accordance with the Permit Part 1, Section 1.7.11.2., *Reporting Anticipated Noncompliance*, the Permittees are required to give advance notice to the Secretary of any "activity which may result in noncompliance with permit requirements."

Six pieces of radioactively contaminated diesel-fueled equipment are located in the WIPP underground in Room 6 of Panel 7. The equipment will be permanently disposed as contact-handled transuranic mixed waste characterized using the derived-waste process described in the Permit, Part 2, Section 2.3.5., *Derived Waste*. This equipment became contaminated during the radiological event that occurred on February 14, 2014, and was originally planned to be abandoned-in-place once fluids and batteries were removed. However, the geotechnical stability of the area of Room 6 where the vehicles are located (north of the S-2520 intake drift and south of the S-2180 exhaust drift) is deteriorating, and access to this area is now prohibited to personnel (see Enclosure 1) pursuant to the Mine Safety and Health Administration requirements. Sending underground workers into this area in its present condition to drain the fluids and retrieve the batteries from the equipment would present an imminent and substantial endangerment to worker safety.

Utilizing the underground derived waste handling procedure, the Permittees are characterizing the waste resulting from the radioactive contamination of the diesel-fueled equipment listed in Enclosure 2. In addition to the fuel, the liquids associated with this equipment include the following: hydraulic fluid, engine oil, brake fluid, coolant, and battery acid. Enclosure 2 provides the estimated liquid volumes and waste material parameter weights associated with each piece of equipment. The estimated total

161222

CBFO:OEP:GTB:AC:16-3341:UFC 5486.00

volume of fluid in these vehicles is approximately 581 gallons combined. This is a conservative number which assumes maximum liquid volumes based on the fuel and hydraulic fluid tank capacities of the vehicles. The liquid volume estimates for engine oil, coolant, and battery acid are based on the equipment service manuals or quantities associated with equipment of equivalent size and type. Liquid waste does not meet the TSDF-WAC and is, therefore, not acceptable for disposal at the WIPP facility. Furthermore, unsolidified waste that results from emergencies is not allowed by the Permit Attachment D, *RCRA Contingency Plan,* Section D-1.

Due to the presence of diesel fuel and lead-acid batteries within this equipment, the waste will be assigned the Environmental Protection Agency (EPA) hazardous waste numbers D001 and D002 for the characteristics of ignitability and corrosivity, respectively. Per the TSDF-WAC, wastes exhibiting these characteristics are also not acceptable for disposal at the WIPP facility.

The data (i.e., EPA hazardous waste numbers and waste material parameter weight estimates) will be entered into the waste data system. Since the data system conducts internal edit/limit checks to compare the hazardous waste numbers with those authorized for disposal at the WIPP facility, the D001 and D002 hazardous waste numbers will be entered into the comments field of the database.

The Permittees have performed a nuclear safety hazard evaluation to address the abandonment of this equipment in Room 6. Note that the WIPP Documented Safety Analysis, Revision 5b, and the WIPP Technical Safety Requirements are available online at the following address: http://www.wipp.energy.gov/wipprecovery/recovery.html. The evaluation has shown that the emplacement of waste in the S-2520 portion of Room 6 would not be impacted by a hypothetical pool fire caused by a large roof fall in the area of Room 6 where the equipment is located. In accordance with the Permit Part 1, Section 1.7.6., *Duty to Mitigate*, the Permittees will take steps to minimize releases to the environment and carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. These steps will include closing Room 6, once waste emplacement activities are complete in the S-2520 portion of Room 6, by constructing chain link/brattice cloth barricades as described in the Permit Attachment A2, thereby restricting ventilation through the room and minimizing potential releases via the air pathway. Although the abandonment-in-place of the contaminated equipment will result in noncompliance with the conditions of the Permit described above, the risks to workers associated with entering Room 6 to drain fluids and remove batteries far outweigh the risk associated with abandoning the equipment in its present state.

We certify under penalty of law that this document and all attachments were prepared under our direction or supervision according to 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. Anthony Stone at (575) 234-7475.

Sincerely,

Todd Shrader, Manager
Carlsbad Field Office

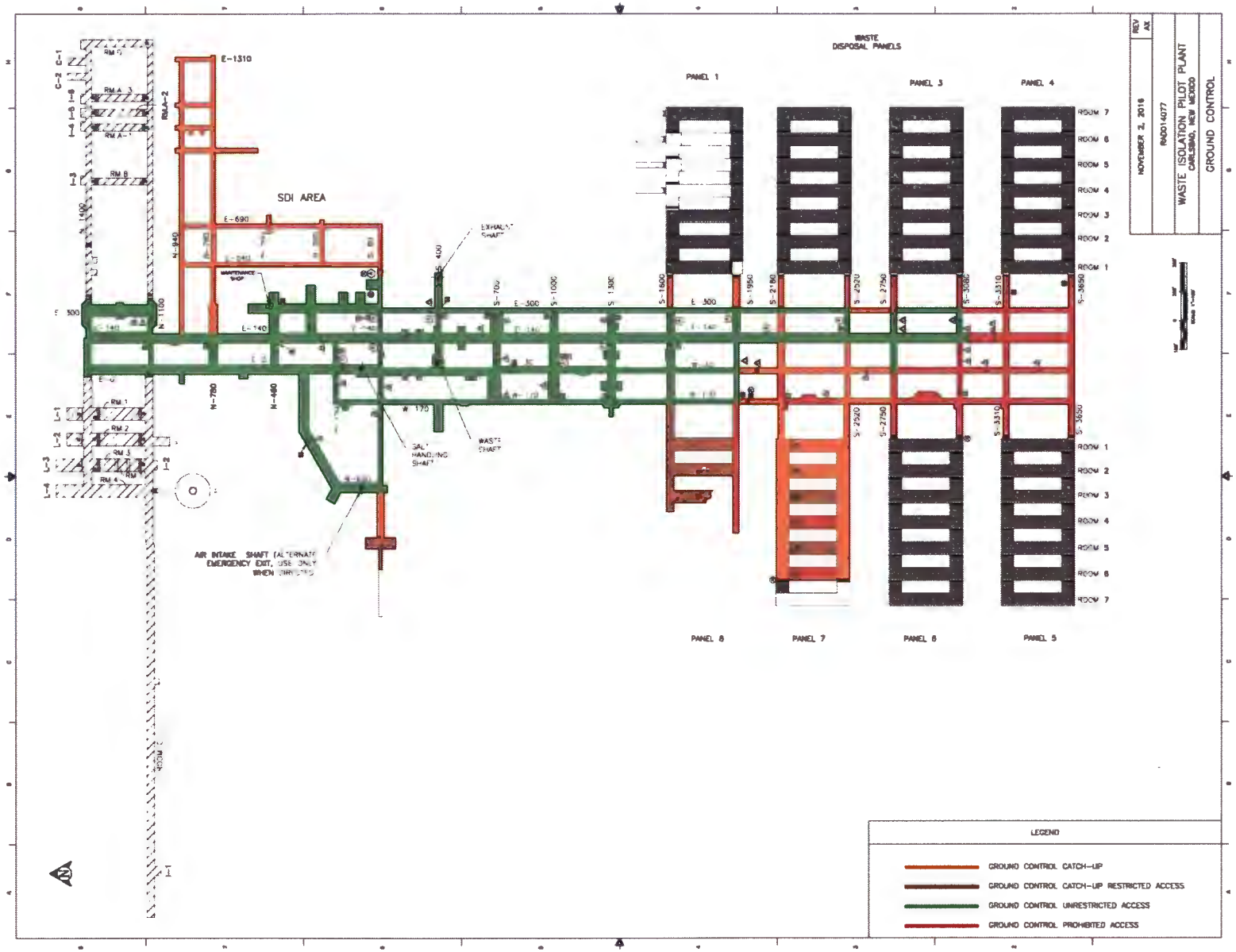
for

Philip J. Breidenbach, Project Manager
Nuclear Waste Partnership LLC

Enclosures (2)

cc: w/enclosures
K. Roberts, NMED *ED
D. Biswell, NMED ED
R. Maestas, NMED ED
CBFO M&RC
*ED denotes electronic distribution

Enclosure 1


WASTE DISPOSAL PANELS
PANEL 1
PANEL 3
PANEL 4
PANEL 8
PANEL 7
PANEL 6
PANEL 5
ROOM 7
ROOM 6
ROOM 5
ROOM 4
ROOM 3
ROOM 2
ROOM 1
SDI AREA
EXHAUST SHAFT
MAINTENANCE SHOP
SALT HANDLING SHAFT
WASTE SHAFT
AIR INTAKE SHAFT (ALTERNATE EMERGENCY EXIT, USE ONLY WHEN
RM A-1
RM A-2
RM A-3
RM B
RM 1
RM 2
RM 3
RM 4
E-1310
E-690
E-140
E 300
N-940
N-1100
N-780
N-460
S-700
S-1000
S-1300
S-1600
S-1950
S-2180
S-2520
S-2750
S-3080
S-3310
S-3650
LEGEND
GROUND CONTROL CATCH-UP
GROUND CONTROL CATCH-UP RESTRICTED ACCESS
GROUND CONTROL UNRESTRICTED ACCESS
GROUND CONTROL PROHIBITED ACCESS
REV
AK
NOVEMBER 2, 2016
RADD14077
WASTE ISOLATION PILOT PLANT
CARLSBAD, NEW MEXICO
GROUND CONTROL

Enclosure 2

Breakdown of Equipment to be Abandoned-in-Place in Room 6, Panel 7

Equipment Number	Equipment Description	Diesel Fuel Capacity (gal)	Hydraulic Fluid Capacity (gal)	Engine Oil (gal)	Brake Fluid (gal)	Coolant (gal)	Battery Acid (gal)	Waste Material Parameter Estimates (kg)		
								Rubber	Plastic	Metals/Alloys
52-H-007C	Toyota 6 ton Forklift: 5FD70	37	19	3	Note (1)	3.7	1.8	209	70	9,241
52-H-008C	CH Transporter: Getman A-64	37	48	3.7	Note (2)	9.3	3.6	284	91	10,925
74-H-026	4 ton Forklift: Toyota 5FD35	25	19	2.6	Note (1)	3.7	1.8	209	69	5,182
74-U-002A	LHD: EIMCO 913	62	72	3	Note (1)	10	3.6	398	91	12,761
74-U-008	Scissor Lift: Getman A-64	33	22	2.5	Note (2)	Note (3)	3.6	250	80	9,649
74-U-039	LHD: EIMCO/Jarvis Clark 913	62	72	3.3	Note (1)	10	3.6	398	91	12,761
TOTALS		256	252	18.1	0	36.7	18	1,748	492	60,519

Note (1) Brake system utilizes hydraulic fluid (already captured in the table)
Note (2) Brake system utilizes air brakes with less than 0.25 gallons of mineral oil hydraulic control fluid to activate brakes
Note (3) Utilizes air cooled system with no engine coolant fluids