

Allen, Pam, NMENV

From: Biswell, David, NMENV
Sent: Monday, July 17, 2017 9:42 AM
To: Allen, Pam, NMENV
Cc: Maestas, Ricardo, NMENV
Subject: FW: WIPP Class 3 PMR Administrative Completeness Review
Attachments: TEA PMR Administrative Completeness Review (06-05-17).docx

WIPP June Correspondence

From: Maestas, Ricardo, NMENV
Sent: Monday, June 05, 2017 8:08 AM
To: Biswell, David, NMENV <David.Biswell@state.nm.us>
Subject: FW: WIPP Class 3 PMR Administrative Completeness Review

FYI..

From: David Stuenkel [<mailto:dstuenkel@trininc.com>]
Sent: Monday, June 05, 2017 6:07 AM
To: Maestas, Ricardo, NMENV <Ricardo.Maestas@state.nm.us>
Cc: Kimberly Wood <krw@trininc.com>; Charles Wilson (consultcw@aol.com) <consultcw@aol.com>; Bob Thielke <rthielke@trininc.com>; Jana Dawson (dawson.jana@gmail.com) <dawson.jana@gmail.com>
Subject: WIPP Class 3 PMR Administrative Completeness Review

Ricardo:

Attached is the administrative completeness review of the Class 3 PMR review by Trinity Engineering Associates. Please let me know if you have any questions or concerns.

Thanks,

David

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**Administrative Completeness Review of the Waste Isolation Pilot Plant
Revised Class 3 Permit Modification Request Dated November 10, 2016
Modifications to the WIPP Panel Closure Plan**

**Prepared for
The New Mexico Environment Department
Hazardous Waste Bureau
WIPP Group**

**Prepared by
Trinity Engineering Associates
25 W. Fountain Ave.
Cincinnati, Ohio 45246**

**May 2017
Revision 0**

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1 Introduction

This report presents an administrative completeness review of a Class 3 Permit Modification Request (PMR) submitted to the New Mexico Environment Department (NMED) in November 2016 by the U.S. Department of Energy (DOE) Carlsbad Field Office and Nuclear Waste Partnership LLC (NWP), collectively referred to as the Permittees. The PMR addresses modifications to the Waste Isolation Pilot Plant (WIPP) Panel Closure Plan that was previously submitted to NMED in March 2013. It was prepared by the Permittees in response to a NMED Technical Incompleteness Determination issued in July 2015. That document requested the Permittees to update their request to reflect changed conditions at the WIPP facility in consideration of the February 2014 underground vehicle fire and radiological release. The original March 2013 PMR also addressed the repository reconfiguration of waste Panels 9 and 10, and changes to the Volatile Organic Compound (VOC) Monitoring Program. These additional permit modifications were withdrawn by the Permittees in the PMR reviewed in this report. This report therefore only addresses the administrative completeness of the Permittees' November 2016 updated Panel Closure Plan.

2 Administrative completeness with respect to 20.4.1.900 NMAC

Table 1 includes the part of the part of "Regulatory Crosswalk" provided by the Permittees on pages 19-24 of the PMR showing the requirements in 20.4.1.900 NMAC (incorporating 40 CFR Part 270) and the parts of permit with proposed revisions applicable to the requirement. The regulatory crosswalk includes applicable requirements in 20.4.1.900 NMAC (incorporating 40 CFR Part 270). The Permittees indicated that the PMR included changes to parts of the Permit that addressed requirements in the following sections of 40 CFR 270:

- §270.13, Contents of Part A permit application
- §270.14(b)(5), General inspection requirements
- §270.23(a)(2), Miscellaneous units inspections
- §270.14(b)(13), Closure and post-closure plans
- §270.14(b)(13), Closure performance standard
- §270.14(b)(13), Written content of closure plan
- §270.14(b)(13), Removal of wastes and decontamination/dismantling of equipment
- §270.14(b)(13), Disposal/decontamination
- §270.14(b)(13), Environmental performance standards-miscellaneous units
- §270.23, Miscellaneous units
- §270.23(a), Detailed unit description

The review by Trinity Engineering Associates (TEA) verified that while the PMR does make changes to parts of the Permit, it does not remove any parts of the Permit that would make the Permit administratively incomplete with respect to requirements in 20.4.1.900 NMAC.

3 Administrative completeness with respect to 20.4.1.500 NMAC

Table 2 includes the part of the part of "Regulatory Crosswalk" provided by the Permittees on pages 19-24 of the PMR showing the requirements in 20.4.1.500 NMAC (incorporating 40 CFR Part 264) and the parts of permit with proposed revisions applicable to the requirement. The regulatory crosswalk includes applicable requirements in 20.4.1.500 NMAC (incorporating 40

CFR Part 264). The Permittees indicated that the PMR included changes to parts of the Permit that addressed requirements in the following sections of 40 CFR 270:

- 264 Subpart G, Closure and post-closure plans
- §264.15(a-d), General inspection requirements
- §264.111, Closure performance standard
- §264.112(a) and (b), Written content of closure plan
- §264.112(e), Removal of wastes and decontamination/dismantling of equipment
- §264.114, Disposal/decontamination
- §264.178, Closure
- §264.601, Environmental performance standards-miscellaneous units
- §264.601, Detailed unit description
- §264.602, Miscellaneous units inspections
- §264.602, Monitoring, analysis, inspection, response, reporting, and corrective action
- §264.603, Post-closure care
- §264 Subpart X, Miscellaneous units

The review by TEA verified that while the PMR does make changes to parts of the Permit, it does not remove any parts of the Permit that would make the Permit administratively incomplete with respect to requirements in 20.4.1.500 NMAC.

4 Summary

The Permit as modified by the PMR continues to address applicable requirements in 20.4.1.900 NMAC (incorporating 40 CFR Part 270) and 20.4.1.500 NMAC (incorporating 40 CFR Part 264). and remains administratively complete.

Table 1: Regulatory Crosswalk Between the Revised PMR and 20.4.1.900 NMAC

Regulatory Citation(s) 20.4.1.900 NMAC (incorporating 40 CFR Part 270)	Description of Requirement	Section of the WIPP Permit Application
§270.13	Contents of Part A permit application	Attachment B Part A
§270.14(b)(11)(i) and (ii)	Seismic standard applicability and requirements	Attachment G2-2.2 Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.14(b)(1)	General facility description	Attachment A
§270.14(b)(2)	Chemical and physical analyses	Part 2.3.1 Attachment C
§270.14(b)(3)	Development and implementation of waste analysis plan	Part 2.3.1.1 Attachment C
§270.14(b)(5)	General inspection requirements	Part 2.7 Attachment E-1a
§270.14(b)(6)	Request for waiver from preparedness and prevention requirements of Part 264 Subpart C	Not Applicable
§270.14(b)(7)	Contingency plan requirements	Part 2.12 Attachment D
§270.14(b)(8)	Description of procedures, structures or equipment for:	Attachment A Part 2.11
§270.14(b)(8)(i)	Prevention of hazards in unloading operations (e.g., ramps and special forklifts)	Part 2.11
§270.14(b)(8)(ii)	Runoff or flood prevention (e.g., berms, trenches, and dikes)	Attachment A1-1c(1) Part 2.11
§270.14(b)(8)(iii)	Prevention of contamination of water supplies	Part 2.11
§270.14(b)(8)(iv)	Mitigation of effects of equipment failure and power outages	Part 2.11
§270.14(b)(8)(v)	Prevention of undue exposure of personnel (e.g., personal protective equipment)	Part 2.11
§270.14(b)(8)(vi) §270.23(a)(2)	Prevention of releases to the atmosphere	Part 2.11 Part 4.4 Attachment D-4e Attachment G-1a
§270.14(b)(9)	Prevention of accidental ignition or reaction of ignitable, reactive, or incompatible wastes	Part 2.9
§270.14(b)(10)	Traffic pattern, volume, and controls, for example: Identification of turn lanes Identification of traffic/stacking lanes, if appropriate Description of access road surface Description of access road load-bearing	Attachment A4

Regulatory Citation(s) 20.4.1.900 NMAC (incorporating 40 CFR Part 270)	Description of Requirement	Section of the WIPP Permit Application
	capacity Identification of traffic controls	
§270.14(b)(11)(iii-v)	100-year floodplain standard	Attachment A1-1c(1) Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.14(b)(12)	Personnel training program	Part 2.8 Attachment F
§270.14(b)(13)	Closure and post-closure plans	Part 6 & 7 Attachment G & H
§270.14(b)(13)	Closure performance standard	Attachment G-1a
§270.14(b)(13)	Written content of closure plan	Attachment G-1
§270.14(b)(13)	Amendment of closure plan	Part 6.3 Attachment G-1d(4)
§270.14(b)(13)	Notification of partial and final closure	Attachment G-2a
§270.14(b)(13)	Removal of wastes and decontamination/dismantling of equipment	Attachment G-1e(2)
§270.14(b)(13)	Time allowed for closure	Part 6.5 Attachment G-1d
§270.14(b)(13)	Disposal/decontamination	Part 6.6 Attachment G-1e(2)
§270.14(b)(13)	Certification of closure	Part 6.7 Attachment G-2a
§270.14(b)(13)	Survey plat	Part 6.8 Attachment G-2b
§270.14(b)(13)	Post-closure care and use of property	Part 7.3 Attachment H-1a
§270.14(b)(13)	Post-closure plan; amendment of plan	Part 7.5 Attachment H-1a (1)
§270.14(b)(13)	Closure/containers	Part 6.9 Attachment A1-1h Attachment G-1
§270.14(b)(13)	Environmental performance standards- miscellaneous units	Part 6, Section 6.10.1 Attachment A-4 Attachment D-1 Attachment G-1a
§270.14(b)(13)	Post-closure care	Part 7.3 Attachment G-1a(3)
§270.14(b)(14)	Post-closure notices	Part 7.4 Attachment H-2
§270.14(b)(15)	Closure cost estimate	Not Applicable
§270.14(b)(16)	Post-closure cost estimate	Not Applicable
§270.14(b)(17)	Liability insurance	Not Applicable
§270.14(b)(18)	Proof of financial coverage	Not Applicable

Regulatory Citation(s) 20.4.1.900 NMAC (incorporating 40 CFR Part 270)	Description of Requirement	Section of the WIPP Permit Application
§270.14(b)(19)(i), (vi), (vii), and (x)	Topographic map requirements Map scale and date Map orientation Legal boundaries Buildings Treatment, storage, and disposal operations Run-on/run-off control systems Fire control facilities	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.14(b)(19)(ii)	100-year floodplain	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.14(b)(19)(iii)	Surface waters	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.14(b)(19)(iv)	Surrounding land use	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.14(b)(19)(ix)	Injection and withdrawal wells	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.14(b)(19)(v)	Wind rose	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.14(b)(19)(viii)	Access controls	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.14(b)(19)(xi)	Drainage on flood control barriers	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.14(b)(19)(xii)	Location of operational units	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements

Regulatory Citation(s) 20.4.1.900 NMAC (incorporating 40 CFR Part 270)	Description of Requirement	Section of the WIPP Permit Application
§270.14(b)(20)	Other federal laws Wild and Scenic Rivers Act National Historic Preservation Act Endangered Species Act Coastal Zone Management Act Fish and Wildlife Coordination Act Executive Orders	Attachment B Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§270.15	Containers	Part 3 Part 4.3 Attachment A1
§270.15(a)	Containment systems	Part 3.6 Attachment A1
§270.15(c)	Special requirements for ignitable or reactive waste	Attachment A1-1g Permit Part 2.1
§270.15(d)	Special requirements for incompatible wastes	Attachment A1-1g Permit Part 2.3.3.4
§270.15(e)	Air emission standards	Part 4.4.2 Attachment N
§270.23	Miscellaneous units	Part 1.3.1 Attachment A2-1 Attachment G1.3.1
§270.23(a)	Detailed unit description	Part 4 Part 5 Attachment A2 Attachment L
§270.23(a)(2)	Miscellaneous units inspections	Attachment E-1b Attachment E-1b(1)
§270.23(b)	Hydrologic, geologic, and meteorological assessments	Part 4 Part 5 Attachment A2 Attachment L
§270.23(c)	Potential exposure pathways	Part 4 Part 5 Attachment A2 Attachment N Attachment L
§270.23(d)	Demonstration of treatment effectiveness	Part 4 Attachment A2 Attachment N
§270.30(j)(2)	Ground-water records	Part 1

Table 2: Regulatory Crosswalk Between the Revised PMR and 20.4.1.500 NMAC

Regulatory Citation(s) 20.4.1.500 NMAC (incorporating 40 CFR Part 264)	Description of Requirement	Section of the WIPP Permit Application
§264 Subpart C	Preparedness and Prevention	Part 2.10
§264 Subpart D	Contingency plan requirements	Part 2.12 Attachment D
§264 Subpart E	Manifest system, record keeping, and reporting	Permit Part 1 Permit Part 2.13 & 2.14 Permit Part 4 Attachment C
§264 Subpart F	Releases from solid waste management units	Part 5 & 7 Attachment G2 & L
§264 Subpart G	Closure and post-closure plans	Part 6 & 7 Attachment G & H
§264 Subpart I	Containers	Part 3 Part 4.3 Attachment A1
§264 Subpart X	Miscellaneous units	Part 1.3.1 Attachment A2-1 Attachment G1.3.1
§264.13(a)	Chemical and physical analyses	Part 2.3.1 Attachment C
§264.13(b)	Development and implementation of waste analysis plan	Part 2.3.1.1 Attachment C
§264.13(c)	Off-site waste analysis requirements	Part 2.2.1 Attachment C
§264.14(b)	Access controls	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§264.15(a-d)	General inspection requirements	Part 2.7 Attachment E-1a
§264.16(a-e)	Personnel training program	Part 2.8 Attachment F
§264.17(a-c)	Prevention of accidental ignition or reaction of ignitable, reactive, or incompatible wastes	Part 2.9
§264.18(a)	Seismic standard applicability and requirements	Attachment G2-2.2 Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§264.18(b)	100-year floodplain standard	Attachment A1-1c(1) Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements
§264.18(b)	100-year floodplain	Attachment B2 Part A Renewal App. Sep. 2009, 270.14 Contents of Part B: General Requirements

Regulatory Citation(s) 20.4.1.500 NMAC (incorporating 40 CFR Part 264)	Description of Requirement	Section of the WIPP Permit Application
§264.31	Design and operation of facility	Part 2.1
§264.32	Required equipment	Part 2.10.1 Attachment D
§264.33	Testing and maintenance of equipment	Part 2.10.2 Attachment E-1a
§264.34	Access to communication/alarm system	Attachment E-1a Part 2.10.3
§264.35	Required aisle space	Part 2.10.4
§264.37	Arrangements with local authorities	Attachment D-4a(3)
§264.51	Contingency plan design and implementation	Part 2.12.1 Attachment D
§264.52(a) & (c-f)	Contingency plan content	Attachment D
§264.53	Contingency plan copies	Part 2.12.2 Attachment D
§264.54	Contingency plan amendment	Part 2.12.3 Attachment D
§264.55	Emergency coordinator	Part 2.12.4 Attachment D-4a(1)
§264.56	Emergency procedures	Attachment D-4
§264.73(b)	Ground-water records	Part 1
§264.90	Applicability	Part 5 Attachment L
§264.91	Required programs	Attachment L
§264.92	Ground-water protection standard	Attachment L
§264.93	Hazardous constituents	Attachment L
§264.94	Concentration limits	Part 5 Attachment L
§264.95	Point of compliance	Part 5 Attachment L
§264.96	Compliance period	Attachment L
§264.97	General ground-water monitoring requirements	Part 5 Attachment L
§264.98	Detection monitoring program	Part 5 Attachment L
§264.99	Compliance monitoring program	Part 5 Attachment L
§264.100	Corrective action program	Part 5 Attachment L
§264.101	Corrective action for solid waste management units	Part 8 Attachment L
§264.111	Closure performance standard	Attachment G-1a
§264.112(a), (b)	Written content of closure plan	Attachment G-1

Regulatory Citation(s) 20.4.1.500 NMAC (incorporating 40 CFR Part 264)	Description of Requirement	Section of the WIPP Permit Application
§264.112(c)	Amendment of closure plan	Part 6.3 Attachment G-1d(4)
§264.112(d)	Notification of partial and final closure	Attachment G-2a
§264.112(e)	Removal of wastes and decontamination/dismantling of equipment	Attachment G-1e(2)
§264.113	Time allowed for closure	Part 6.5 Attachment G-1d
§264.114	Disposal/decontamination	Part 6.6 Attachment G-1e(2)
§264.115	Certification of closure	Part 6.7 Attachment G-2a
§264.116	Survey plat	Part 6.8 Attachment G-2b
§264.117	Post-closure care and use of property	Part 7.3 Attachment H-1a
§264.118	Post-closure plan; amendment of plan	Part 7.5 Attachment H-1a (1)
§264.119	Post-closure notices	Part 7.4 Attachment H-2
§264.142	Closure cost estimate	Not Applicable
§264.143	Financial assurance	Not Applicable
§264.144	Post-closure cost estimate	Not Applicable
§264.145	Post-closure care financial assurance	Not Applicable
§264.147	Liability insurance	Not Applicable
§264.149-150	Proof of financial coverage	Not Applicable
§264.171	Condition of containers	Part 3.3 Attachment A1
§264.172	Compatibility of waste with containers	Part 3.4 Attachment A1
§264.173	Management of containers	Part 3.5 Attachment A1
§264.174	Container inspections	Attachment E-1b(1)
§264.174	Inspections	Part 3.7 Attachment E-1 Attachment A1-1e
§264.175	Containment systems	Part 3.6 Attachment A1
§264.176	Special requirements for ignitable or reactive waste	Attachment A1-1g Permit Part 2.1
§264.177	Special requirements for incompatible wastes	Attachment A1-1g Permit Part 2.3.3.4
§264.178	Closure/containers	Part 6 Attachment G

Regulatory Citation(s) 20.4.1.500 NMAC (incorporating 40 CFR Part 264)	Description of Requirement	Section of the WIPP Permit Application
§264.178	Closure	Part 6.9 Attachment A1-1h Attachment G-1
§264.179	Air emission standards	Part 4.4.2 Attachment N
§264.601	Environmental performance standards- miscellaneous units	Part 6, Section 6.10.1 Attachment A-4 Attachment D-1 Attachment G-1a
§264.601	Prevention of releases to the atmosphere	Part 2.11 Part 4.4 Attachment D-4e Attachment G-1a
§264.601	Detailed unit description	Part 4 Part 5 Attachment A2 Attachment L
§264.601	Hydrologic, geologic, and meteorological assessments	Part 4 Part 5 Attachment A2 Attachment L
§264.601	Potential exposure pathways	Part 4 Part 5 Attachment A2 Attachment N Attachment L
§264.602	Miscellaneous units inspections	Attachment E-1b Attachment E-1b(1)
§264.602	Monitoring, analysis, inspection, response, reporting, and corrective action	Part 4 Part 5 Attachment A2 Attachment E-1 Attachment N Attachment L
§264.603	Post-closure care	Part 7.3 Attachment G-1a(3)
§264.603	Post-closure care	Attachment H Attachment H1
§264 Appendix IX	Ground-water Monitoring List	Part 5 Attachment L