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To: [McLean, Megan, NMENV](mailto:Megan.McLean@state.nm.us)
Subject: FW: Written Comment in Support of DOE-NWP Class 2 Permit Modification for Clarification of TRU Mixed Waste Disposal Volume Reporting
Date: Monday, March 12, 2018 9:52:49 AM

From: Russell Hardy [mailto:rhardy@nmsu.edu]
Sent: Friday, March 09, 2018 4:17 PM
To: Maestas, Ricardo, NMENV <Ricardo.Maestas@state.nm.us>
Cc: Russell Hardy <rhardy@nmsu.edu>; Chavez, Rick - RES <Rick.Chavez@wipp.ws>
Subject: Written Comment in Support of DOE-NWP Class 2 Permit Modification for Clarification of TRU Mixed Waste Disposal Volume Reporting

Good afternoon Ricardo, below is my public comment in support of the DOE-NWP Class 2 Permit Modification for Clarification of TRU Mixed Waste Disposal Volume Reporting.

I have attended two public meetings regarding this particular permit modification, one in Carlsbad on 3/6/18 and another in Santa Fe on 3/8/18. After hearing both presentations on this issue as well as the public comments and/or concerns raised at each meeting, I am in full support of the proposed permit modification as I believe it represents a relatively minor change to the permit by decoupling the method in which the volume of TRU Mixed Waste is being counted and reported under the Hazardous Waste Permit for RCRA purposes from the method that the Department of Energy proposes to report the volume of TRU waste disposed of in the WIPP with respect to the Land Withdrawal Act's (LWA) maximum capacity limitation.

In fact, other than a minor increase in the volume reported for nine containers previously disposed of in Panel 6, the method of calculating the volume for the Hazardous Waste permit is not being amended from the current approach – the DOE and their contractor (NWP) will continue to report the amount of TRU mixed waste disposed at the WIPP for RCRA purposes as the volume of the outer-most container – which includes air and wasted space within the overpack container. What is being changed is a decoupling from the permit in the way (method) that the DOE reports on TRU waste disposed with respect to the LWA by reporting this capacity as the volume of the innermost container. As you well know, the LWA specified a maximum capacity in terms of the amount of waste that can be disposed of within the WIPP as 6.2 million ft³ (175,564 m³) which was prescribed at the time based on the amount of waste thought to be in existence and/or generated in the future with respect to defense-related TRU waste. Some thirty or more years later, we now know that the amount of waste in the DOE complex will easily exceed this stated capacity. Therefore, by reporting the LWA capacity as the volume of the innermost container, the DOE can more accurately report the amount of actual waste disposed of in the WIPP (by excluding air) and, in doing so, can reduce the reported volume of waste previously disposed of in the WIPP by approximately one-third.

This change, if approved by the NMED, will allow the DOE to continue to meet its mission of safely disposing of TRU mixed waste by removing it from the biosphere and will have no negative impact on the WIPP repository, the environment, or the public. In all actuality, they should have been

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reporting the TRU waste for the LWA this way from the beginning.

I realize that there will likely be considerable opposition to this proposed permit modification as many may feel that the DOE and NWP are attempting to increase the capacity of the WIPP or “cook the books” by employing two different counting methodologies, but in my opinion, they are simply trying to correct the permit to reflect what should have been done from the beginning and to better manage the limited space that they have to continue disposing of TRU mixed waste that is much better off in the WIPP repository rather than at the generator sites.

Thank you for the opportunity to comment on this important permit modification.

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