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STATE OF NEW MEXICO

ENVIRONMENTAL EVALUATION GROUP

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RECEIVED
MAY 27 1988
EID DIRECTOR'S OFFICE

May 26, 1988

Mr. Jack B. Tillman
Project Manager
WIPP Project Office
U. S. Department of Energy
P. O. Box 3090
Carlsbad, New Mexico 88221

Dear Mr. Tillman:

EEG is retaining a consultant (Dr. William L. Lappenbusch of Lappenbusch Environmental Health, Inc., Alexandria, Virginia) to evaluate the mixed waste coming to WIPP. Dr. Lappenbusch, who has worked extensively for industries involved with hazardous waste regulation by EPA, will develop a calculation methodology for assessing the nonradioactive hazards of WIPP waste and will (to the extent possible from the data available) calculate the potential hazards of the waste. His report to EEG will be made available to EID and DOE for their use.

In order to perform this evaluation, it is necessary for EEG to obtain the raw data that the WIPP Project Office is receiving from the waste generators as input to the Part A permit application you are submitting to EPA about July 1. We need the raw data, even if it is considered preliminary, in order to perform realistic evaluations. We will, of course, not distribute preliminary data nor would it be necessary to cite it specifically in our report.

Dr. Lappenbusch will be available to begin his evaluations about June 20, 1988. We would appreciate receiving the data by that time. Also, please send us a copy of the Part A permit application when it is sent to EPA.

Thank you for your assistance. Please contact Jim Channell or myself if there are any questions.

Sincerely,

Jim H. Channell
for Robert H. Neill
Director

RHN:JC:ss

cc: Mike Burkhart
Bob Kehrman



74-4-3.2 APPLICABILITY--WASTE ISOLATION PILOT PLANT.

A. The Legislature finds the safety and containment requirements imposed by the United States Environmental Protection Agency as applicable to management, isolation, and disposal of wastes at the Waste Isolation Pilot Plant under 40 CFR 191 to sufficiently protect the public health and safety. Therefore, the Legislature determines that it is unnecessary for the protection of the public health and safety to regulate under the Hazardous Waste Act, waste processed and certified for disposal at the Waste Isolation Pilot Plant.

B. Nothing in the Hazardous Waste Act shall be construed to apply to any waste processed and certified for emplacement in the mined geologic repository at the Waste Isolation Pilot Plant.