



BRUCE KING  
GOVERNOR

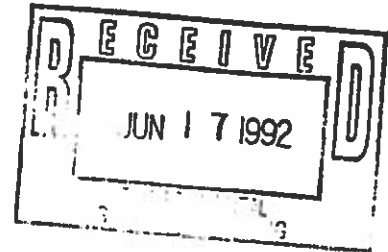
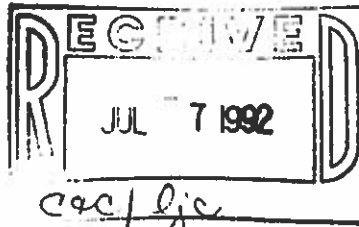
State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Harold Runnels Building  
1190 St. Francis Drive, P.O. Box 26110  
Santa Fe, New Mexico 87502  
(505) 827-2850

ENTERED 755.224

ID 9200020

JUDITH M. ESPINOSA  
SECRETARY

RON CURRY  
DEPUTY SECRETARY



June 10, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED  
P757 743 350

RE: NM4890139088  
PART A: NOTICE OF DEFICIENCY CLOSURE  
ADMINISTRATIVE COMPLETENESS DETERMINATION  
SIGNATORY AUTHORITY

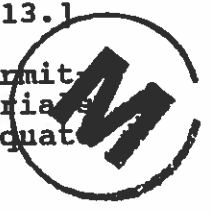
Mr. Arlen Hunt  
Project Manager  
Department of Energy  
Albuquerque Operations Office  
WIPP Project Office  
P.O. Box 3090  
Carlsbad, NM 88221

Dear Mr. Hunt:

The New Mexico Environment Department (NMED) has reviewed the additional information and clarification provided by the Department of Energy (DOE) in response to the June 10, 1991 Notice of Deficiency (NOD) regarding the Part A for the Waste Isolation Pilot Plant (WIPP). The NOD noted four deficiencies [Deficiencies 1(a)-(c) and 2] and commented on one issue (Comment 1). In a letter dated September 25, 1991, NMED accepted the corrections and clarification offered for Deficiencies 1(a) and (c) and for Comment 1, but requested further information on Deficiencies 1(b) and 2. NMED has reviewed the additional documentation submitted regarding Deficiencies 1(b) and 2, and found it adequate. The NMED considers all issues in the NOD to be satisfactorily addressed, declares the NOD closed and accepts the Part A as administratively complete. [New Mexico Hazardous Waste Management Regulations (HWMR-6), § 901, incorporated federal regulations 40 CFR §§ 270.10(d) and 270.13.]

Additionally, NMED requested documentation regarding permit application, signatory authority on April 23, 1991. The materials submitted by DOE on May 12, 1992 have been reviewed, found adequate and NMED considers that issue closed.

Outlined below is the correspondence regarding administrative completeness and signatory authority.



10677

920603



The Part A was received January 22, 1991. The NMED NOD, dated June 10, 1991, noted four deficiencies and commented on one issue. Three of the deficiencies [1(a) to 1(c)] addressed the hazardous wastes indicated on the Part A; the fourth deficiency (2) addressed the topographic map and the one comment addressed certification. Deficiency 1(a). D002 and D003 characteristic wastes were listed on the Part A whereas the Part B, submitted February, 1991, indicated that ignitable and reactive wastes would not be received at WIPP. NMED requested clarification of the inconsistency. Deficiency 1(b). The waste analysis plan in the Part B indicated that some of the wastes would contain bromoform (U225) and cyclohexane (U056), but U225 and U056 were not listed on the Part A. NMED requested clarification. Deficiency 1(c). The information supplied for wastes determined by the Toxic Characteristic Leaching Procedure (TCLP) was incomplete. NMED requested complete information. Deficiency 2. The topographic map did not contain all the required components. NMED requested a topographic with all the required components. Comment 1. NMED indicated that the certification provided in lieu of that required by Item XVIII of the Part A was not consistent with the regulations and was under legal review.

DOE's response, dated July, 10, 1991, to NMED's NOD indicated the following: Deficiency 1(a), D002 and D003 listings were removed from the Part A because these wastes would not be received at WIPP; Deficiency 1(b), no bromoform or cyclohexane will be received at WIPP from the Rocky Flats Plant or the Idaho National Engineering Laboratory (INEL) as off-specification chemical species, container residues, discarded chemical products or contaminated media, therefore these should not be listed in the Part A as U225 or U056; Deficiency 1(c), the TCLP listings were corrected to have estimated amounts indicated rather than having the quantities indicated in a footnote; Deficiency 2, a revised topographic map was submitted; Comment 1, the certification at Item XVIII of the Part A was signed as well as the extended certification on page 10.

A revised Part A incorporating these corrections was submitted August 22, 1992.

In a letter dated September 25, 1991, NMED accepted the corrections and clarifications offered for Deficiencies 1(a) and 1(c) and for Comment 1. and requested further clarification for Deficiencies 1(b) and 2. In regards to Deficiency 1(b), NMED had received the Hazardous Waste Profile Plan (plan number ID-001) from INEL and in that plan cyclohexane was listed as a hazardous constituent in the glass waste. NMED requested further clarification in order to be certain that cyclohexane should not be listed as U056 on the Part A. In regards to Deficiency 2, the topographic map did not indicate the intake or discharge structures or the location of the hazardous waste management units; referencing the figures in Section C was not sufficient. NMED requested a map with the required features.

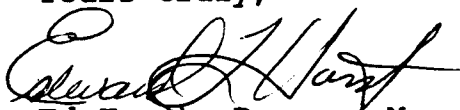
In a letter dated October 25, 1991, DOE offered further information

regarding cyclohexane in the glass waste from INEL and submitted a revised topographic map. In regards to Deficiency 1(b), DOE indicated that, according to the mixture rule [HWMR-6, § 201, inc'd 40 CFR § 261.3(a)(2)(iii)], cyclohexane should not be listed as a U056 waste unless it meets the applicability criteria in HWMR-6, § 201, inc'd 40 CFR § 261.33 and exhibits the ignitability characteristic as defined by HWMR-6, §201, inc'd 40 CFR § 261.21. Additional information relating to this Deficiency was provided in a letter dated October 10, 1991 in which DOE was responding to NMED's comments (letter dated September 4, 1991) on the Hazardous Waste Profile Plan from INEL. The information provided satisfactorily addressed Deficiency 1(b). The topographic map fully addressed Deficiency 2.

NMED, on April 23, 1992, requested documentation regarding signatory authority for the officials from DOE and Westinghouse Electric Corporation signing the Part A. DOE's response was received May 12, 1992 and provided the documentation required regarding signatory authority. Based on DOE's representations, NMED finds the Part A signatories satisfactory and considers the issue closed.

This letter addresses the administrative completeness of the Part A for WIPP and does not address the administrative or technical completeness of the Part B. If you have any questions, please contact Dr. A. Elizabeth Gordon on my staff at 827-4300.

Yours truly,



Ed Horst, Program Manager  
RCRA Section

EH/AEG/aeg

Enclosures (8):

- NMED NOD June 10, 1991
- DOE response July 10, 1991
- NMED letter September 4, 1991
- DOE response October 10, 1991
- NMED letter September 25, 1991
- DOE response October 25, 1991
- NMED letter April 23, 1992
- DOE response May 12, 1992



cc(with enclosures): Kathleen Sisneros, Director, Water and Waste Management Division  
Benito Garcia, Bureau Chief, Hazardous and Radioactive Materials Bureau  
Gini Nelson, Assistant General Counsel, Office of General Counsel

cc(without enclosures): Trey Greenwood, DOE, WPIO, WPSO, ES&H

ENVIRONMENT DEPARTMENT ROUTING SLIP

LETTER TO: ARLEN HUNT WIPP  
 FOR: Kathleen Sisneros SIGNATURE  
 DATED BY: Elizabeth Gordon DATE: 05/19/92  
 SUBJECT: WIPP PART A

FINAL DECISION NEEDED BY: 05/21/92 REASON date of letter

VIEW:		INITIAL	DATE REC'D	DATE APPROVED
<u>ED HORST</u>	<u>RCRA PROGRAM MANAGER</u>	<u>edh</u>	<u>5-17</u>	<u>5-20</u>
<u>BENITO GARCIA</u>	<u>BUREAU CHIEF</u>	<u>B/G</u>	<u>5-20</u>	<u>5-20</u>
	<u>DISTRICT MANAGERS</u>			
	<u>GRANTS</u>			
	<u>ACCOUNTING</u>			
	<u>INSURANCE</u>			
<u>GUNI NELSON</u>	<u>LEGAL REVIEW</u>	<u>GN</u>	<u>6/5/92</u>	<u>6/5/92</u> * but see note
	<u>ASD DIRECTOR</u>			
<u>KATHLEEN SISNEROS</u>	<u>WWM DIRECTOR</u>	<u>KMS</u>	<u>6/8/92</u>	<u>6/8/92</u>
	<u>ERD DIRECTOR</u>			
<u>Please return</u>	<u>DEPUTY SECRETARY</u>			
<u>To mailing &amp;</u>	<u>SECRETARY</u>			
<u>enclosures.</u>	<u>OTHER</u>			



COMMENTS BY DRAFTER OR REVIEWER(S):  
REQUEST PROMPT REVIEW OF THIS LETTER AND  
RELATED MEMO - need to get out ASAP  
 W didn't make suggested style changes; checked style manual and original format is correct. ASG 06/05/92

6/5/92

\*

Kathy,

I signed buck slip but there is a significant error in regulation citation format on p. 3, + minor typographical citing format error on p. 1 — your choice on how clean you want the letter to be. Some other suggestions were disregarded; I merely point them out to you for your choice.

See my  
see copy behind final letter.  
Hogan decided not to have, he verify  
Eli's conclusions  
That all other questions have been



Best Available Copy