

National Governors Association Meeting December 5, 1995

Update on WIPP RCRA - Related Activities in the New Mexico Environment Department

1. DOE Submittal of RCRA Part B Permit Application
 - Prompted by NMED Secretary's Order on September 2, 1994, following DOE's cancellation of Test Phase
 - Required DOE to revise the application to reflect Disposal Phase activities
 - DOE provided NMED with phased draft submittals between October 1994 and March 1995, and offered stakeholders opportunities to comment on draft
 - Submitted final Revision 5 on May 26, 1995

2. RCRA Part B Permit Application - Administrative Completeness
 - Conducted administrative completeness review prior to finalization of contract with A.T. Kearney
 - HRMB issued a letter of determination of completeness to DOE on July 25, 1995
 - Review did not address technical adequacy of application

3. RCRA Part B Permit Application - Technical Review Method
 - HRMB established a revised schedule for technical review activities
 - Perform a "semi-simultaneous" review of multiple chapters, starting with the more substantial chapters and ending with less controversial chapters
 - Conduct informal discussions with DOE, requesting clarifying information which provides iterative feedback during the technical review process
 - Anticipate issuing a formal Notice of Deficiency (NOD) in mid-December for all unresolved issues

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4. Issue of Concern - General Waste Analysis Requirements

- DOE relying on acceptable knowledge (AK) from generator sites
- No confirmatory sampling will be conducted at WIPP
- NMED seeking more detailed description of AK implementation
 - Assembly of information
 - Confirmation of information
 - Auditing

5. Assembly of Acceptable Knowledge Information

- What information is "allowable", and how it is assembled, evaluated, prioritized
- How sites may share analogous information to ensure consistency
- DOE development of detailed guidance document

6. Confirmation of Acceptable Knowledge Information

- Comparison with analytical sampling
- Discrepancy resolution
- Screening procedures for unacceptable waste

7. Auditing Acceptable Knowledge Information

- Audit program must cover all characterization activities
- Establish availability of audit results, participation of regulatory agencies
- Establish "corrective action" program to resolve problems uncovered

8. Development of Draft Permit

- Assuming no delays in DOE response to NOD, draft permit development may begin in mid-January
- Projected issuance of draft permit for public comment is July 1996
- Remaining schedule is tenuous due to uncertainties surrounding public comment process (requests for public hearing, extension of comment period, etc)