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MEMORANDUM

To: Steve Zappe, HRMB

From: Clint Marshall, Geologist 3, GWPPS *CM*

Through: Dale Doremus, HPM, GWPPS *DD*
 Marcy Leavitt, Chief, GWQB *ML*

Subject: Comments to the WIPP Biennial Environmental Compliance Report (BECR)

Date: February 21, 1997

The following comments are in response to the BECR as required under the WIPP Land Withdrawal Act of 1992, as amended. The reporting period for this BECR is from April 1, 1994 to March 31, 1996; however additional comments are included on the current compliance status of WIPP as it applies to the New Mexico Water Quality Act.

April 1, 1994 to March 31, 1996: To the best of my knowledge WIPP has not been in violation of any of the requirements of their discharge permit during this time period.

April 1, 1996 to present: Regarding 20 NMAC 6.2 Section 3104, WIPP is currently in violation of their discharge plan, DP-831, because they are discharging without an approved discharge plan. WIPP failed to renew their discharge permit within the required time period, therefore the permit expired on January 16, 1997. WIPP is required to submit a request for renewal 120 days prior to expiration. NMED received a request for discharge plan renewal and modification on December 16, 1996 and is currently reviewing the request.

In addition to reporting on the compliance status, I would like to make the following comments on the Chapter 30 of the BECR report regarding requirements under the NM Water Quality Act.

Section 30.2.5 on page 30-5 states, "The discharge of 2,000 gpd of nonhazardous brine water at WIPP is authorized by NMED Discharge Plan approval, DP-831."

It should be noted that the discharge plan approval also authorizes the discharge of 32,000 gpd of domestic wastewater in addition to the 2,000 gpd of brine water.

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Section 30.2.9 on page 30-6 states, "Since the approval of discharge may not exceed seven years from the date of issuance of the Discharge Plan approval, it will be necessary to find an alternative means of disposal for the nonhazardous brine solution currently being discharged."

Even though the approval period for a discharge permit is for a limited period of time, the permit can be renewed. Pursuant to 20 NMAC 6.2 Section 3106.F, the applicant may apply for renewal of the discharge permit which, upon approval, may extend the approval period for up to five additional years.