

Citizens Advisory Board

Idaho National Engineering and Environmental Laboratory

98-CAB-181



August 4, 1998

The Honorable Gary E. Johnson
Governor
State of New Mexico
Capitol Building 4th Floor
Santa Fe, NM 87503



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Dear Governor Johnson:

In a letter dated July 9, 1998, the Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (CAB) invited the State of New Mexico to provide a presentation on the Draft Resource Conservation and Recovery Act (RCRA) Part B Permit prepared by the State of New Mexico Environment Department (NMED) for the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico. We had hoped that a presentation could be provided at our July 1998 meeting to support our review of the draft permit during the public comment period. We regret that it was not possible to accept that invitation on such short notice and would like to extend our invitation until our next meeting (to be held September 14 and 15 in Idaho Falls, Idaho) as we are still interested in learning more about the State of New Mexico's concerns related to WIPP.

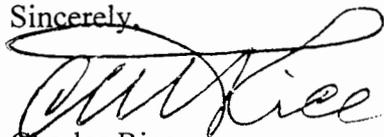
It is our understanding that the Draft Permit was issued based on a RCRA Part B Permit Application submitted by the Department of Energy (DOE) and the Westinghouse Electric Company to the NMED. It appears that the Draft RCRA Permit for WIPP prepared by NMED proposes requirements that are significantly more stringent, however, than the federal regulations adopted by the U.S. Environmental Protection Agency (EPA) pursuant to RCRA. The proposed requirements would impose millions of dollars in additional costs on all generator/storage sites that plan to ship transuranic (TRU) mixed waste to WIPP, increase worker safety concerns, and cause significant delays to the overall WIPP program.

We have completed our review of the Draft Permit prepared by NMED and submit the attached comments for consideration during the public comment period. We appreciate your consideration of our comments and anticipate learning about how our comments, along with comments submitted by other members of the public, will be addressed in the final permit.



Please let us know if a presentation on the draft permit will be possible by calling Wendy Green Lowe, our facilitator, at (208) 522-1662. We appreciate your consideration of this request.

Sincerely,



Charles Rice
Chair

cc: John Wilczynski, DOE-ID
Robert S. (Stu) Dinwiddie, New Mexico Environment Department
Linda Milam, EM Budget/Compliance Committee Chair
James Owendoff, DOE-HQ
Martha Crosland, DOE-HQ (EM-22)
Jeff Bingaman, U.S. Senate
Larry Craig, U.S. Senate
Pete V. Domenici, U.S. Senate
Dirk Kempthorne, U.S. Senate
Mike Crapo, U.S. House of Representatives
Bill Redmond, U.S. House of Representatives
Joe Skeen, U.S. House of Representatives
Laird Noh, Chair, Idaho Senate Resources and Environment Committee
Golden C. Linford, Chair, Idaho House of Representatives Resources and Conservation Committee
Dolores Crow, Chair, Idaho House of Representatives Environmental Affairs Committee
Gerald Bowman, DOE-ID
Kathleen Trever, State of Idaho INEEL Oversight
Wayne Pierre, U.S. Environmental Protection Agency, Region X



**DRAFT RESOURCE CONSERVATION RECOVERY ACT PART B
PERMIT FOR THE WASTE ISOLATION PILOT PLANT**

The Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (CAB) reviewed the Draft Resource Conservation and Recovery Act (RCRA) Part B Permit prepared by the State of New Mexico Environment Department (NMED) for the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico. It is our understanding that the Draft Permit was issued based on a RCRA Part B Permit Application submitted by the Department of Energy (DOE) and the Westinghouse Electric Company to the NMED. The Draft RCRA Part B Permit for WIPP prepared by NMED proposes requirements that are significantly more stringent than the federal regulations adopted by the U.S. Environmental Protection Agency (EPA) pursuant to RCRA. The proposed requirements would impose millions of dollars in additional costs on all generator/storage sites that plan to ship transuranic (TRU) mixed waste to WIPP, increase worker safety concerns, and cause significant delays to the overall WIPP program.

The proposed requirements that are of particular concern to the INEEL CAB include the following:

1. The proposed requirements for chemical characterization of wastes would greatly increase the requirements for handling of waste, thereby increasing worker exposure and risks to worker health and safety. The proposed requirements would also add to the costs of management of the TRU Waste Program at the INEEL.
2. The proposed requirement for certification of each generator site by NMED would generate additional paper work for NMED and each generator. As you know, the State of Idaho is authorized by the EPA to regulate the hazardous waste management program within the State of Idaho in compliance with RCRA.
3. The proposed prohibition on receipt of containers with any free liquids will result in significant repackaging efforts. There appears to be a conflict within the draft permit with regard to the acceptability of free liquids in containers.
4. The proposed requirement for certification of container life in excess of twenty years from the date of certification does not appear to be justified for legacy waste drums. Implementation of the requirement would require over-packing the existing drums, resulting in decreased shipping efficiency and increased costs.
5. The proposed requirements for documentation would result in an estimated 900 pages of hard copy (as electronic transmission of documentation would not be allowed) per barrel at the INEEL. This would translate into an additional 1,000,000 pages of documentation per year—a records management nightmare for the NMED with attendant costs.
6. The proposed requirements would result in significant delays in waste shipments from the INEEL to WIPP. Those delays will make it impossible for DOE to meet milestones in the Idaho Settlement Agreement (signed by the State of Idaho, DOE, and the U.S. Navy). We all have an interest in minimizing the delay in shipments to WIPP to the extent possible.

We note that the proposed additional requirements are not supported in the draft permit by measurable benefits to the environment or reductions in risks to worker health and safety.

As members of the INEEL CAB, we have objected on numerous occasions to the frivolous use of federal funds and to increasing health risks without demonstrable benefit.