



CARLSBAD DEPARTMENT OF DEVELOPMENT



Dr. Robert S. Dinwiddie
Hazardous and Radioactive Material Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502

Dear Dr. Dinwiddie:

After carefully reviewing the draft Resource and Conservation and Recovery Act (RCRA) Part B Permit for the Waste Isolation Pilot Plant (WIPP), it is our feeling that many of the New Mexico Environment Department's (NMED) proposed requirements are unnecessary and add no further protection for human health or the environment.

We believe the NMED would agree that this permit is vital to the U.S. Department of Energy (DOE) and its effort to begin cleaning up more than 23 temporary storage sites for transuranic waste and transuranic waste mixed with RCRA-regulated chemically hazardous constituents. Adding "unreasonable" regulatory conditions will undoubtedly increase operating costs and, more importantly, further delay this very important environmental clean-up process.

As you know, the WIPP has already been certified under federal radioactive waste disposal criteria that are more than 300 times more conservative than those of the RCRA standards. In other words, the U.S. Environmental Protection Agency has certified that the WIPP can safely isolate transuranic waste from the environment for 10,000 years, far surpassing NMED's 30-year requirement for isolating chemically hazardous waste.

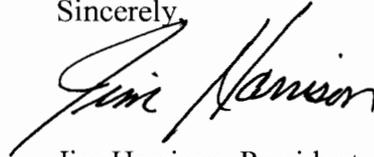
Worker safety is also a top priority of the DOE. Many of the waste characterization conditions stipulated in the draft permit could cause unnecessary risk of radioactive exposure to workers without additional benefit to either human health or the environment.

We agree that a RCRA Part B Permit is required before the WIPP can begin accepting chemically hazardous waste. However, the NMED should reexamine the unrealistic requirements it has proposed for the DOE at the WIPP site.



Some of the issues that should be given more careful deliberation are attached. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Jim Harrison". The signature is written in a cursive style with a large, sweeping initial "J".

Jim Harrison, President
Carlsbad Department of Development

ATTACHMENT A

Carlsbad Mayor's WIPP Task Force

Issues of Consideration: Draft RCRA Part B Permit For the WIPP

- Approval for sites intending to ship waste to the WIPP should be included in this permit. Presently, the draft permit would require the DOE to seek a permit modification for each DOE site intending to ship transuranic wastes mixed with RCRA-regulated hazardous wastes to the WIPP. Requiring numerous, separate permit modifications, each necessitating a lengthy approval process, would result in further costly delays in cleaning up DOE sites.
- Limits on emissions should be substantially increased. The draft permit establishes chemical emission limits that require WIPP waste panels to be closed if releases of hazardous gases from the waste panels reach certain minimally detectable concentrations. These concentrations are unnecessarily low and are not based on health risks to workers or the public. Rather, they appear to be based simply on the minimum detection capabilities of modern monitoring technology. We are not aware of any other industrial facility in New Mexico that is required to meet these stringent standards. These limits are unwarranted and unnecessary to protect human health and the environment.
- Remote-handled mixed waste should be included as part of this permit. Disposal of remote-handled mixed transuranic waste is excluded in the draft permit. A lengthy and costly permit modification process would be required to dispose of this type of waste. We believe that all of the detailed information necessary to cover this contingency has already been included in the application.
- Waste characterization protocols should use the EPA guidelines of 80 percent upper confidence limit. The draft permit requires the use of a 95 percent upper confidence limit for sampling and analysis rather than the 90 percent limit proposed by the DOE in its application, or the 80 percent parameters used in the EPA guidelines. This increases sampling and analysis requirements and associated costs for characterizing each affected waste stream by an estimated 60 percent. It also increases the potential for worker exposure to radiation.
- Mine ventilation rates should be removed from the permit. Stringent mine ventilation rates specified in the draft permit do not allow for nonoperational periods and for various operating conditions requiring reduced air flow. The proposed rates would significantly impact operating efficiency and cost.

- Groundwater monitoring requirements should be exempted from the permit. The draft permit requires that chemicals such as formaldehyde and methanol be analyzed although there is no approved analytical method to perform such an analysis. The draft permit also requires analysis for radium, which is not contained in this waste. Also, the NMED sets the point for groundwater quality compliance at the facility perimeter fence rather than the more reasonable land withdrawal boundary, as prescribed by the EPA performance assessment requirements for the WIPP. Overall, the proposed groundwater monitoring conditions would add significantly to WIPP operating costs.
- RCRA environmental standards should be for industrial sites. The proposed permit requires that several solid waste management units at the WIPP meet the very stringent environmental standards set for residential areas rather than the standards mandated for industrial sites, which is clearly inappropriate.
- Requirements to review waste radiography tapes at WIPP should be removed from the permit. The rigorous waste characterization requirements detailed in the DOE's own Waste Acceptance Criteria for the Waste Isolation Pilot Plant requires each temporary storage site to inspect, verify and videotape the contents of each waste drum and box using radiography (X-ray) equipment. However, the draft permit requires that the WIPP also review at least one percent of these examination videotapes to confirm results. This requirement adds further unnecessary cost to disposal operations without any benefit to human health or the environment.
- Nominal life for waste packaging should be removed from the permit. The proposal to limit waste drums and boxes to a nominal life of only 20 years is subjective and could result in unnecessary, costly repackaging of the waste. This requirement also could subject workers to needless radiation exposure.