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JON R. TULLY
CITY ADMINISTRATOR

August 10, 1998



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

Dear Dr. Dinwiddie:

As Mayor of the host city for the U.S. Department of Energy's (DOE) Waste Isolation Pilot Plant (WIPP), I am very concerned about the New Mexico Environment Department's (NMED) Draft Resource and Conservation and Recovery Act (RCRA) Part B Permit for the WIPP.

I feel that many of the NMED's proposed requirements for disposing of chemically hazardous waste at the WIPP are costly, unnecessary, and add no further protection for human health or the environment.

The RCRA Part B Permit is extremely important to the DOE. Effective and permanent clean-up at former research and production facilities for nuclear weapons cannot begin without the NMED's approval. Adding "impracticable" regulatory conditions will only delay clean-up at more than 23 DOE sites nationwide. Operating costs for the WIPP and storage sites will also be driven up because of these delays.

I'm sure the NMED does not want to put workers at risk. In fact, that's why RCRA was passed in 1976 – to protect workers, the public and environment from the effects of hazardous wastes. Unfortunately, many of the waste characterization activities the NMED proposes may cause workers unnecessary radiation exposure.

As you may know, on May 13th the DOE received approval from the U.S. Environmental Protection Agency to dispose of transuranic radioactive waste at the WIPP. Meeting federal radioactive waste disposal standards – standards requiring the DOE to demonstrate within a reasonable degree of certainty that waste can be safely isolated for 10,000 years – was a huge milestone for the DOE, the citizens of Carlsbad and Eddy County, and all Americans.

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I have been associated with the WIPP project for more than 15 years. During that time, the City of Carlsbad has demanded and will continue to demand that the DOE protect human health and the environment. I believe the DOE, with help from numerous scientific groups, has illustrated beyond any reasonable doubt that the WIPP can be operated safely.

Please reconsider some of the unrealistic requirements that you and the NMED are proposing for the WIPP site. I am also attaching a list of issues that should be given more careful deliberation. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Perkowski". The signature is written in a cursive style with a large, looping initial "G".

Gary Perkowski
Mayor of Carlsbad

ATTACHMENT

Carlsbad Mayor Gary Perkowski

Comments on the Draft RCRA Part B Permit For the WIPP

- Approval for temporary waste storage sites 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 reconsidered. 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.
- Approval for disposing of remote-handled mixed waste should be included in 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.
- EPA's waste characterization protocols should be used. 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 are unrealistic. 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 reexamined. 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 are redundant and unnecessary. 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.

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