Hazardous Waste Permit Update

1. Permitting Process

- Public Hearings held February 22 through March 26, 1999
  - Held in Santa Fe and Carlsbad
  - Technical testimony by 23 witnesses
  - Non-technical testimony by ~140 witnesses

- Parties submitted Fact and Conclusions of Law (FOF/COL) to hearing officer on June 25, 1999
  - NMED also issued Propose Final Permit and Response to Comments

- Updated NMED WIPP Information Page to include proposed final permit, response to comments, and NMED direct testimony presented at the hearing (www.nmenv.state.nm.us/wipp/)

- Hearing Officer issued Report on September 10, 1999
  - Recommended that the NMED Secretary "issue a Final Order... granting a permit to the Applicants subject to the conditions specified in NMED's Proposed Final Permit of June 25, 1999..."

- Parties submitted comments on Hearing Officer's Report on September 28, 1999

- Anticipate final permit decision by Secretary sometime in October

2. Pre-permit shipments to WIPP

- District Court Judge Penn issued an Order allowing shipment of waste to WIPP on March 22, 1999
  - Judge Penn concluded that WIPP has "Interim Status" under RCRA

- First shipment from Los Alamos National Lab arrived at WIPP the morning of March 26, 1999 (coincidentally the last day of the WIPP public hearing)

- DOE stated their intention to ship additional "non-hazardous" TRU waste from other sites:
  - INEEL in Idaho
  - RFETS in Colorado
3. NMED and DOE negotiated a Memorandum of Agreement on June 16, 1999

- Establish principles and terms under which certain the exchange of information prior to a final permit take place
- Resulted from intensive high-level negotiations
- Specifies conditions under which waste would be received at WIPP prior to permit
  - One week advance information for specified waste streams
  - 45 day advance information for non-specified waste streams
- Requires agreement on contents of an Interim Audit Report, and DOE to provide available audit information to NMED
- Identifies principles for resolving questions about waste documentation
- Contains other miscellaneous provisions
  - NMED to inspect and/or observe WIPP (one inspection performed July 19 - 21, 1999)
  - DOE to manage, store, and dispose all waste in same manner
  - DOE to provide NMED with funding to review waste documentation and to conduct inspections
  - Agreement terminates upon issuance of final permit or withdrawal of either party

- Total shipments as of September 30, 1999:

<table>
<thead>
<tr>
<th>Site</th>
<th># Shipments</th>
<th># Containers</th>
</tr>
</thead>
<tbody>
<tr>
<td>LANL</td>
<td>17</td>
<td>101 SWBs</td>
</tr>
<tr>
<td>RFETS</td>
<td>13</td>
<td>333 55-gal drums</td>
</tr>
<tr>
<td>INEEL</td>
<td>3</td>
<td>98 55-gal drums</td>
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</tbody>
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