

WIPP Working Group October 5, 1999

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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:

Site	# Shipments	# Containers
LANL	17	101 SWBs
RFETS	13	333 55-gal drums
INEEL	3	98 55-gal drums