



SRS Citizen's Advisory Board

Recommendation No. 77

January 26, 1999

WIPP RCRA Part B Permit

Background:

The Waste Isolation Pilot Plant (WIPP) has been developed as the repository for DOE Transuranic (TRU) waste. WIPP is located deep within underground salt deposits near Carlsbad, NM. Current plans indicate that the disposal of TRU wastes will begin in 1999. The SRS Citizens Advisory Board (CAB) wants WIPP to open and the shipment of SRS TRU wastes to commence as soon as possible. We remain concerned about TRU wastes because that is the only waste stream at SRS for which a final disposition has not yet begun. This has been reflected in previous CAB Recommendations, including one sent to DOE-Carlsbad (see references), and by the numerous status reviews which the CAB has requested from SRS staff.

Much of DOE's TRU waste is classified as mixed waste due to its non-radioactive hazardous waste content. The State of New Mexico's Environmental Department (NMED) has regulatory authority over the disposal of mixed TRU wastes at WIPP. Therefore, WIPP must obtain a RCRA Resource Conservation and Recovery Act Part B operating permit from NMED before operations can begin. However, a RCRA permit is not required for TRU waste which does not contain hazardous wastes (i.e., non-mixed or regular TRU wastes).

DOE-Carlsbad supplied NMED its WIPP operating procedures as information, only. Unfortunately, many of these procedures were incorporated as criteria into the initial draft Hazardous Waste Permit (RCRA) and then issued by WIPP, May 15, 1998. Subsequently, DOE (the WIPP, Rocky Flats and Los Alamos sites) and the Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (see Ref. 6) provided comments on this draft. The result was a second, much improved draft Permit on November 13, 1998. However, further improvements are still needed. As it is currently written, the draft adversely impacts operations at SRS.

It seems to us that the process required by the draft permit remains overly bureaucratic and unnecessarily wasteful for the hazardous waste components that are going into a repository designed to safely contain TRU waste, primarily plutonium, for 10,000 years. We would accept these additional regulations if they added to worker safety and human health and environmental protection, but they do not. Worse, the draft rules provide no flexibility at the generator sites to develop and implement new methods which could improve safety, protect the public and the environment, and save tax dollars.

Thus, our recommendations (see below) were chosen to streamline the process without jeopardizing health and safety and environmental protections, to initiate shipment of TRU waste to WIPP during 1999, and to minimize costs to the taxpayer.

Recommendations:

The SRS CAB recommends that DOE-SR forward to DOE-Carlsbad and NMED our recommendation that the Draft RCRA Part B Permit:

1. Regulate only the operation of WIPP to ensure that TRU mixed- wastes arriving at WIPP meet WIPP Waste Acceptance Criteria (WIPP WAC). NMED has no regulatory authority over how the generator sites prepare the waste for shipment. Generator hazardous waste facilities are already regulated by the generators state (for SRS, this is the South Carolina Department of Health and Environmental Control, or DHEC). We have no problem with NMED informally accompanying DOE and DHEC on field audits, but we object to NMED duplicating DHEC's regulatory authority over SRS operations.
2. Provide only criteria for compliance with RCRA at WIPP. The Draft Permit is too prescriptive in how operations at SRS will meet the WIPP WAC. Currently, the Draft Permit does not allow for new methods or efficiencies that could reduce costs and improve safety, As Low As Reasonably Achievable (ALARA) methods, and quality control. Of great concern to us, some of the methods in the Draft Permit are several years behind the state of the art.
3. Not attempt to regulate regular TRU wastes. NMED has no regulatory authority over non-mixed TRU wastes.
4. Eliminate the criteria differences for the handling and the disposing of Remote-Handled and Contact-Handled mixed TRU waste. These fall under DOE's operational authority. This should not be an issue for NMED because the differences between these two operational categories arise from radiation levels, not hazardous chemicals as part of the waste contents.
5. Include the changes recommended by the Idaho National Engineering and Environmental Laboratory (INEEL) in revising the RCRA permit (see Ref. 7). In particular, we wish to emphasize the following INEEL comments with special relevance to SRS. They are:
 - Delete the statement "Repackaged retrievably stored waste will be considered newly generated waste." It adds unnecessary work without increasing safety or protection. Retrievably stored waste already goes through operational procedures to assure its safety and meet the WIPP WAC criteria.
 - Delete the requirement "that radiography results not be made available to workers prior to the visual inspection of TRU waste drums". Giving this information to workers ahead of time is necessary to prevent a potentially dangerous safety situation for them.
 - Delete these two criteria: "The Permittees will receive written notification of all non-conformances identified during the Site Project Manager Review within five days of identification. The permittees will also receive a nonconformance report within thirty days of identification." First, all non-conformances at SRS will be corrected prior to shipment. Records for them will be kept and can be reproduced without additional record keeping. Second, whether or not non-mixed TRU wastes conform to WIPP WAC is outside of NMED's regulatory authority.
 - Delete the requirement regarding radiation containment areas. This criteria is under the authority of DOE. Simply put, radiation containment areas are a part of operational procedures; they should not be part of a permit.

References:

1. SRS CAB Recommendation 4, Transuranic Waste Treatment Plan of WMEIS Comments and ISPR of TRU Waste Retrieval Project, adopted March 28, 1995
2. SRS CAB Recommendation 11, Implementation of TRU-Waste Retrieval Project - Follow-up to Rec. No. 4 ISPR Results, adopted November 28, 1995
3. SRS CAB Recommendation 18, TRU Waste Treatment Options Recommendation following Blue Ribbon Panel Results - Follow-up to Rec. No. 4., adopted March 26, 1996
4. SRS CAB Recommendation 27, TRU Waste Issues, Adopted November 19, 1996

5. SRS CAB Recommendation 32, Waste Isolation Pilot Plant Disposal Phase Draft SEIS-II, adopted January 28, 1997 Note that the complete text of references 1 - 5 are available on the SRS web page -www.srs.gov - under Citizens Advisory Board Recommendations
6. Idaho National Engineering and Environmental Laboratory Citizens Advisory Board Recommendation 43, Draft Resource Conservation Recovery Act Part B Permit for the Waste Isolation Pilot Plant, July 1998.
7. Idaho National Engineering and Environmental Laboratory Major Comments on the WIPP Draft Permit, Dated November 13, 1998.
8. Comments on the Second Draft Hazardous Waste Permit for the Waste Isolation Pilot Plant, The U. S. Department of Energy, Carlsbad Area Office and the Westinghouse Electric Company Waste Isolation Division, December 22, 1998