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MEMORANDUM TO FILE

TO: John E. Kieling, Chief
Hazardous Waste Bureau *JK*

FROM: Ricardo Maestas, WIPP Group Staff Manager *RM*
Hazardous Waste Bureau

SUBJECT: WIPP Five-Year Permit Review

DATE: December 15, 2015

This internal memorandum contains information regarding the Five-Year Permit Review for the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit (Permit). Permit Part 1-General Permit Conditions, Section 1.3-Permit Actions, sub-section 1.3.3- Permit Review, states;

“ The Secretary shall review this Permit no later than five (5) years after the effective date of this Permit, and shall modify this Permit as necessary pursuant to Section 74-4-4.2 of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR §270.41). Such modification(s) shall not extend the effective term of this Permit specified in Permit Section 1.7.2. [20.4.1.900 NMAC (incorporating 40 CFR §§270.41 and 270.50(b) and (d))] ”.

On November 30, 2010 the New Mexico Environment Department (NMED) issued a final order granting the renewal of the WIPP Permit. The Permit went into effect 30 days after on December 30, 2010. The Permit renewal re-authorized WIPP to continue managing, storing, and disposing of contact-handled and remote-handled transuranic waste. The Department of Energy Carlsbad Field Office and its contractor Washington TRU Solutions LLC., (currently Nuclear Waste Partnership) co-operators and joint permittees (Permittees) of the facility, operated WIPP under a 10-year permit that was first issued by NMED in October of 1999. The renewal permit grants the facility another ten years of operations or until the year 2020, at which time another Permit Renewal Process will commence.

On December 30, 2010, the Permittees submitted a Class 1 Permit Modification (Modification) to NMED for “Editorial Corrections to the New Permit Issued November 30, 2010”. The Modification included nine items and was over 100 pages.



From January 1, 2011 through December 30, 2015 a total of **35** Modifications to the Permit were submitted to NMED. The following table summarizes the number of Modifications submitted.

Year	Class 1*	Class 1	Class 2	Class 3	Total per Year
2011	0	8	2	0	10
2012	1	4	2	0	7
2013	0	1	1	1	3
2014	0	4	0	0	4
2015	1	9	1	0	11
Total per Class	2	26	6	1	35

NMED has determined in this Five-Year Permit Review that no cause exists for Modifications pursuant to Section 74-4-4.2 of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR §270.41). There have been no major changes in the RCRA regulations over the last five years that would affect the WIPP Permit. The Permittees have been actively submitting Modifications to the Permit over the last five years for changes needed to address new items, facility changes, or corrections and updates to current Permit language.

The next Five-Year Permit Review will be conducted in 2020 which is the same time that the Permit Renewal Process will be taking place. The class, title, and date of the Modifications that were submitted between January 1, 2011 and December 30, 2015 are listed below.

2011

Class 1 * Modifications (requiring prior agency approval)

- none

Class 1 Modifications

- March 17, 2011- Add South Access Road for Transportation of TRU Mixed Waste.
- May 24, 2011- Revise TRU-Pact III Management Language and Revise Procedure Reference for the Bolting Station in Table E-1.
- June 2, 2011- Update RCRA Emergency Coordinator List.
- July 5, 2011- Update RCRA Emergency Coordinator List.
- July 11, 2011- Editorial Corrections to the Permit Issued on April 15, 2011.
- August 8, 2011- Revise Tables 4.1.1 and G-1.
- November 21, 2011- Eight items: (1) Editorial Correction to Change Panel 7 to Panel 8; (2) Revise Language for Bulkhead Flashing; (3) Revise Figure N-1; (4) Revise Transmittal Language to Include Electronic Transmittals; (5) Revise Terminology for Remote-Handled Emplacement Equipment; (6) Revise C6 Checklist Items; (7) Add an Option for Ambulance #2; and (8) Revise Document Numbers of Procedures.
- December 16, 2011- Continuing Training Timeframe.

Class 2 Modifications

- January 10, 2011- Add TRUPACT-III and Standard Large Box 2 and Revise Contact-Handled Area.
- September 29, 2011- Three items: (1) Update Ventilation Language; (2) Addition of a Shielded Container; and (3) Revise the WIPP Groundwater Detection Monitoring Program Plan.

Class 3 Modifications

- none

2012

Class 1 * Modifications

- June 27, 2012- Change Related to Operational Control of the WIPP Hazardous Waste Facility.

Class 1 Modifications

- February 14, 2012- Change in Department of Energy, Carlsbad Field Office Manager.
- May 7, 2012- Various Editorial Changes.
- May 25, 2012- Update Emergency Coordinator Address and Telephone Numbers.
- December 14, 2012- Update to the Resource Conservation and Recovery Act (RCRA) Contingency Plan, Attachment D of the Permit.

Class 2 Modifications

- July 6, 2012- Addition of a Shielded Container.
- December 14, 2012- Revise Waste Analysis Plan Waste Characterization Methods.

Class 3 Modifications

- none

2013

Class 1 * Modifications

- none

Class 1 Modifications

- August 30, 2013- Revise a Course Outline, Revise Table and Panel Figures to Include Panel 7, Update Description Related to Type B Packages, Update TRUPACT-II and HalfPACT Figures.

Class 2 Modifications

- April 8, 2013- Modify Excluded Waste Prohibition (NMED elevated Modification to Class 3 on July 2, 2013 and is currently on hold).

Class 3 Modifications

- March 18, 2013- Panel Closure Redesign, Repository Reconfiguration, VOC Monitoring Program Changes (Notice of Administrative Completeness was issued on July 29, 2013; draft Permit was issued for public comment on February 14, 2014; draft Permit was withdrawn on March 21, 2014 because of the WIPP fire and release, no comments were submitted during this time; Technical Incompleteness Determination was issued on July 22, 2015 to update Modification to reflect current conditions and resubmit to NMED; Modification has not yet been resubmitted).

2014

Class 1 * Modifications

- none

Class 1 Modifications

- February 6, 2014- Seven items: (1) Editorial Changes in Monitoring Records Test in Part 1; (2) Editorial Changes in Attachment C6 and Attachment C3; (3) Update Table L-4 and List of Active Environmental Permits; (4) Clarify Text Related to Marking and Labeling in Part 3; (5) Clarify Table E-1a; (6) Revise Table 4.1.1; and (7) Revise G-1.
- March 18, 2014- Update Co-Permittee Project Manager.
- March 28, 2014- Update Chronology in Attachment A and Change Preventative Maintenance Procedure Number in Table E-1a.
- November 7, 2014- Five items: (1) Contingency Plan Update-Equipment Used for Internal Communications; (2) Contingency Plan Update-Editorial Change in Attachment D, Section D-4d(10); (3) Contingency Plan Update-Contact Information Tables D-8 and D-9; (4) Editorial Change in Attachment C, Table C6-1, Item 28; and (5) Contingency Plan Update- RCRA Emergency Coordinator Clarification.

Class 2 Modifications

- none

Class 3 Modifications

- none

2015

Class 1 * Modifications

- December 30, 2015- Revise Closure Schedule Dates in Attachment G, Section G-1d(1) and Table G-1.

Class 1 Modifications

- February 13, 2014- Clarify the Date When Laboratory Procedures are Provided to NMED and Add New Emergency Response Equipment.
- June 11, 2015- Update Co-Permittee Project Manager and List of Active Environmental Permits.

- June 29, 2015- Change in the Department of Energy, Carlsbad Field Office Manager.
- August 17, 2015- Update Figure C-1, Revise a Procedure Number in Table E-1, Editorial Change in Permit Part 4, and Editorial Change in Attachment C3.
- August 27, 2015- Update RCRA Emergency Coordinator List.
- September 15, 2015- Revise Attachment A4, Figure A4-2 to Add the New East Gate and Revise Section A4-2 to Describe Purpose of the New East Gate.
- September 30, 2015- Seven items: (1) Clarifications to Inspection of Liquid-Fueled Vehicles in Attachment E; (2) Addition of Automatic On-Board Fire Suppression Systems to Emergency Equipment in Attachment D and Attachment E; (3) Enhancement of Mine Pager Phones in Attachment E; (4) Update Emergency Response Training in Attachment F; (5) Update Chronology in Attachment A; (6) Update Figures in Attachment D; and (7) Update Facsimile Number in Permit Part 1.
- October 8, 2015- Change in Department of Energy, Carlsbad Field Office Manager.
- December 30, 2015- Remove Obsolete Reference to 40 CFR 264.56(i) and Related Text from Part 1 and Attachment D, RCRA Contingency Plan.

Class 2 Modifications

- September 8, 2015- Revise Volatile Organic Compound Monitoring Procedures.

Class 3 Modifications

- none