

**ATTACHMENT H1**

**ACTIVE INSTITUTIONAL CONTROLS DURING POST-CLOSURE**

Waste Isolation Pilot Plant  
Hazardous Waste Permit  
December 2018~~November 1, 2012~~

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## ACRONYMS

CH	contact-handled
CFR	Code of Federal Regulations
DOE	U.S. Department of Energy
EPA	U.S. Environmental Protection Agency
LWA	Land Withdrawal Act
SWB	standard waste box
TRU	transuranic
WIPP	Waste Isolation Pilot Plant

1 **ATTACHMENT H1**

2 **ACTIVE INSTITUTIONAL CONTROLS DURING POST-CLOSURE**

3 Introduction

4 Under the requirements of 20.4.1.500 NMAC (incorporating 40 CFR §264.118(b), the following  
5 activities identified as active institutional controls during post-closure are incorporated into the  
6 Post-Closure Plan.

7 The post-closure requirements of this permit include 20.4.1.500 NMAC, incorporating:

- 8 • 40 CFR §264.117(a)(1), which requires that

9 “Post-closure care for each hazardous waste management unit subject to the  
10 requirements of §264.117 through 264.120 must begin after completion of closure of  
11 the unit and continue for 30 years after that date...”

- 12 • 40 CFR §264.601, which requires that

13 “A miscellaneous unit must be...maintained and closed in a manner that will ensure  
14 protection of human health and the environment...”

- 15 • and 40 CFR §264.603, which requires that

16 “A miscellaneous unit that is a disposal unit must be maintained in a manner that  
17 complies with §264.601 during the post-closure care period.”

18 The containment requirements for a disposal system for transuranic (**TRU**) radioactive wastes  
19 are defined in Title 40 CFR §191.13 (U.S. Environmental Protection Agency [**EPA**] 1993). 40  
20 CFR §191.14 is titled Assurance Requirements. With regard to the active institutional controls  
21 aspect of Assurance Requirements, 40 CFR §191.14 states the following:

22 “To provide the confidence needed for long-term compliance with the  
23 requirements of §191.13, disposal of spent fuel or high-level or transuranic  
24 wastes shall be conducted in accordance with the following provisions... (a)  
25 Active institutional controls over disposal sites should be maintained for as long a  
26 period of time as is practicable after disposal; however, performance  
27 assessments that assess isolation of the wastes from the accessible environment  
28 shall not consider any contribution from active institutional controls for more than  
29 100 years after disposal... “

30 40 CFR §191.12 states the following:

31 “Active institutional controls mean:

- 32 1) controlling access to a disposal site by any means other than passive  
33 institutional controls,  
34 2) performing maintenance operations or remedial actions at a site,  
35 3) controlling or cleaning up releases from a site, or  
36 4) monitoring parameters related to disposal system performance.”

1 **Purpose:** This Permit Attachment describes the design of a system that the Permittees will  
2 implement for compliance with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR  
3 §264.118(b)) and 40 CFR §191.14(a) to control access to the Waste Isolation Pilot Plant (**WIPP**)  
4 disposal site and implement maintenance and remedial actions pertaining to the site access  
5 controls. In addition, this Permit Attachment addresses the scheduling process for control of  
6 inspection, maintenance, and periodic reporting related to long-term monitoring. Long-term  
7 monitoring addresses the monitoring of disposal system performance, as required by 40 CFR  
8 §191.14(b), and environmental monitoring, in accordance with this Permit and the Consultation  
9 and Cooperation Agreement between the U.S. Department of Energy (**DOE**) and the state of  
10 New Mexico. The scheduling process will also address evaluation of testing activities related to  
11 the permanent marker system design contained within the passive institutional controls (not  
12 required by this permit).

13 Implementation of active institutional controls at the WIPP will commence when final facility  
14 closure is achieved, as specified in Permit Part 6 and Permit Attachment G. Implementation of  
15 active institutional controls marks the transition from the active life of the facility (which ends  
16 upon certification of closure) to the post-closure care period, as specified in 20.4.1.500 NMAC  
17 (incorporating 40 CFR §264 Subpart G). The Permittees will continue the imposition of active  
18 institutional controls under this Permit until NMED approves the post-closure certification  
19 specified in Permit Part 7 and Permit Attachment H.

20 Decommissioning activities include decontamination and site restoration. The decontamination  
21 effort will be completed prior to sealing of the shafts to allow disposal of all derived waste  
22 (radioactive and/or mixed waste derived from TRU/TRU-mixed waste received at the WIPP) into  
23 the repository. The implementation of active institutional controls upon certification of facility  
24 closure will prevent human intrusion into the repository. The Permittees' restoration efforts will  
25 return the land disturbed by the WIPP activities to a stable ecological state that will assimilate  
26 with the surrounding undisturbed ecosystem. Necessary exceptions to returning the site to its  
27 full pre-WIPP condition include measurements associated with long-term monitoring.

28 **Scope:** The active institutional control requirements include a means of controlling access to  
29 the site of the repository's surface footprint (the repository area projected to the surface) and  
30 maintenance, including corrective actions, for access control system components. Active control  
31 of access to the site will be exercised by the Permittees for the duration of the post-closure care  
32 period. Although the Permittees are only required to maintain active institutional controls until  
33 approval of the post-closure certification by NMED, the Permittees will continue active  
34 institutional controls for at least 100 years after final facility closure to satisfy other regulatory  
35 requirements. Control of access will prevent intrusion into the disposed waste by deep drilling or  
36 mining for natural resources. This Permit Attachment also specifies a process for scheduling  
37 activities related to the long-term monitoring of the repository. Some of the activities supporting  
38 the monitoring programs will be initiated during the active life of the facility to establish  
39 databases. These activities are planned to continue beyond closure through the time after  
40 removal of the site structures and return of the land disturbed by the WIPP activities to a stable  
41 ecological state that will assimilate with the surrounding undisturbed ecosystem. Long-term  
42 monitoring requirements will be necessarily integrated with efforts toward returning the land to a  
43 stable ecological state.

44 **Background:** The WIPP was sited and designed as a research and development facility to  
45 demonstrate the safe disposal of radioactive wastes. The wastes are derived from DOE  
46 defense-related activities. Specifically, the mission of the WIPP project is to conduct research,

1 demonstration, and siting studies relevant to the permanent disposal of TRU wastes. Most of  
2 these wastes will be contaminated with hazardous constituents, making them mixed wastes.

3 The LWA addresses the disposal phase of the WIPP project, the period following closure of the  
4 site, and the removal of the surface facilities. The LWA set aside 10,240 acres (4,144 hectares)  
5 located in Eddy County, 26 miles (42 kilometers) east of Carlsbad, New Mexico, as the WIPP  
6 site. A 277-acre (112-hectare) portion within the 10,240 acres (4,144 hectares) is bounded by a  
7 barbed wire fence. This fenced area contains the surface facilities and the mined salt piles for  
8 the WIPP site. Figure H1-1 is a cutaway illustrating the spatial relationship of the surface  
9 facilities and the underground repository.

10 Upon receipt of the necessary certifications and permits from the EPA and the New Mexico  
11 Environment Department, the Permittees will begin disposal of contact-handled (**CH**) and  
12 remote-handled (**RH**) TRU and TRU mixed waste in the WIPP. This waste emplacement and  
13 disposal phase will continue until the initiation of final facility closure when the HWDUs have  
14 received the final volume of waste regulated capacity of the repository of or when the 6.2  
15 million~~6,200,000~~ cubic feet (ft<sup>3</sup>) (175,588 cubic meters (m<sup>3</sup>)) of LWA TRU ~~and TRU mixed~~  
16 waste volume has been reached, and as long as the Permittees comply with the requirements  
17 of the Permit. For the purposes of this Permit Attachment, this time period is assumed to be 25  
18 years. The waste will be shipped from DOE facilities across the country in specially designed  
19 transportation containers certified by the Nuclear Regulatory Commission. The transportation  
20 routes from these facilities to the WIPP have been predetermined. The CH TRU mixed waste  
21 will be packaged in 55-gallon (208-liter), 85-gallon (322-liter), 100-gallon (379-liter) steel drums,  
22 standard waste boxes (**SWBs**), ten drum overpacks (**TDOPs**), and/or standard large box 2s  
23 (**SLB2s**). An SWB is a steel container having a free volume of 66.3 cubic feet (1.88 cubic  
24 meters). Figure H1-2 shows the general arrangement of a seven-pack of drums and an SWB as  
25 received in a Contact-Handled Package. RH TRU mixed waste inside a Remote-Handled  
26 Package is contained in one or more of the allowable containers described in Permit Attachment  
27 A1. Some RH TRU mixed waste may arrive in shielded containers as described in Permit  
28 Attachment A1.

29 Upon receipt and inspection of the waste containers in the waste handling building, the  
30 containers will be moved into the repository 2,150 feet (655 meters) below the surface. The  
31 containers will then be transported to a disposal room. (See Figure H1-1 for room and panel  
32 arrangement.) The initial seven disposal rooms are in Panel 1. Panel 1 is the first of eight panels  
33 planned to be excavated. Special supports and ground control corrective actions have been  
34 implemented in Panel 1 to ensure its stability. Upon filling an entire panel, that panel will be  
35 closed to isolate it from the rest of the repository and the ventilation system. During the period of  
36 time it takes to fill a given panel, an additional panel will be excavated. Sequential excavation of  
37 Panels 2 through 8 will ensure that these individual panels remain stable during the entire time a  
38 panel is being filled with waste. Ground control maintenance and evaluation with appropriate  
39 corrective action will be required to ensure that Panels 9 and 10 (ventilation and access drifts in  
40 the repository) remain stable.

41 Decontamination of the WIPP facility will commence with a detailed radiation survey of the  
42 entire site. Contaminated areas and equipment will be evaluated and decontaminated in  
43 accordance with applicable requirements. Where decontamination efforts identify areas that  
44 meet clean closure standards for permitted container storage units and are below radiological  
45 release criteria, routine dismantling and salvaging practices will determine the disposition of the  
46 material or equipment involved. Material and equipment that do not meet these standards and

1 criteria will be emplaced in the access entries (Panels 9 and/or 10). Upon completion of  
2 emplacement of the contaminated facility material, the entries will be closed and the repository  
3 shafts will be sealed. Final repository closure includes sealing the shafts leading to the  
4 repository. Figure H1-3 illustrates the shaft sealing arrangement. Certification of closure will end  
5 disposal operations and initiate the post-closure care period for implementation of active  
6 institutional controls.

### 7 H1.1 Active Institutional Controls

8 Active institutional controls during post-closure consist of three elements:

- 9 • controlling access to a disposal site,
- 10 • performing maintenance operations or remedial actions at a site, and
- 11 • controlling or cleaning up releases from a site.

12 The LWA has removed the WIPP site from public use as a site for mining and other types of  
13 mineral resource extraction. Since any type of exploration activity would require authorization,  
14 the issuance of approval to intrude upon the repository is precluded by the LWA. The existence  
15 of the LWA as law permits meeting the requirements of the first element above by implementing  
16 low technology barriers. These barriers include a posted fence and active surveillance at a  
17 frequency that denies sufficient time for an individual or organization to intrude into the  
18 repository undetected using today's drilling technology. Maintenance and remedial actions at  
19 the WIPP site will be conducted by the Permittees at the time of implementing the access  
20 controls for the site. The control or cleanup of releases from the site will be conducted as part of  
21 the operational program prior to sealing of the shafts. This is necessary to ensure that all  
22 derived waste is disposed of within the repository prior to shaft sealing.

23 The Permittees shall maintain the access controls. This requirement includes the maintenance  
24 and corrective actions necessary to ensure that the fence and patrol requirements (surveillance)  
25 are met. The active institutional controls to be implemented by the Permittees after final closure  
26 are the following:

- 27 1. A fence line will be established to control access to the repository footprint area on the  
28 surface. A standard four-strand (three barbed and one unbarbed, in accordance with  
29 the Bureau of Land Management specifications) wire fence will be erected along the  
30 perimeter of the repository surface footprint. To provide access to the repository  
31 footprint during construction of the berm (which may be built in multiple sections  
32 simultaneously), the fence will have gates placed approximately midway along each of  
33 the four sides. these gates will remain locked with access controlled by the Permittees.  
34 The western gate will be 20 feet (6 meters) wide. The remaining three gates will each  
35 be 16 feet (4.9 meters) wide. Additional fencing will be constructed where appropriate  
36 for remote locations that are used for disposal system monitoring. Such fences will  
37 meet the same construction specifications as the repository footprint perimeter fence.
- 38 2. Unpaved roadways 16 feet (4.9 meters) wide will be established along the perimeter of  
39 the barbed wire fence as well as along the WIPP site boundary. These roadways will  
40 be constructed so as to provide ready vehicle access to any point around the fenced  
41 perimeter and the site boundary. These roadways will facilitate inspection and  
42 maintenance of the fenceline and will allow visual observation of the repository  
43 footprint and the site boundary to the extent permitted by the lay of the land. These



1 roadways will connect to the paved south access road. Roads to remote sites will also  
2 be constructed and maintained where appropriate.

- 3 3. The fence line will be posted with signs having, as a minimum, a legend reading  
4 "Danger—Unauthorized Personnel Keep Out" (20.4.1.500 NMAC (incorporating 40  
5 CFR §264.14[c])) and warning against entering the area without specific permission of  
6 the Permittees. The legend must be written in English and Spanish. The signs must be  
7 legible from a distance of at least 25 feet (7.6 meters). The size of the visual warning  
8 and the spacing of the warning signs will be sufficiently large and close to ensure that  
9 one or more of the signs can be seen from any approach prior to an individual actually  
10 making contact with the fence line. In no case will the spacing be greater than 300 feet  
11 (91.5 meters).
- 12 4. The Permittees will ensure that periodic inspection and expedited corrective  
13 maintenance are conducted on the fence line, its associated warning signs, and  
14 roadways.
- 15 5. The Permittees will provide for routine periodic patrols and surveillance of all areas  
16 controlled by or under the authority of the Permittees by personnel trained in security  
17 surveillance and investigation.
- 18 6. The Permittees will implement the periodic monitoring requirements of the long-term  
19 monitoring system.
- 20 7. The Permittees will submit a Permit modification request for any proposed  
21 modifications to the active institutional controls appropriate for access control, as  
22 specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42).
- 23 8. The Permittees will immediately take appropriate action to address abnormal  
24 conditions identified during periodic surveillance and inspections. Abnormal conditions  
25 include any natural or human-caused conditions which would affect the integrity of the  
26 active institutional controls.
- 27 9. Reports addressing activities associated with the performance of the active access  
28 controls after final closure will be prepared periodically according to applicable  
29 requirements by the Permittees for submittal to the appropriate regulatory and  
30 legislative authorities.

### 31 H1.1.1 Repository Footprint Fencing

32 Access to an area approximately 2,780 feet by 2,360 feet (875 meters by 720 meters) will be  
33 controlled by a four-strand barbed wire fence. A single gate will be included along each side of  
34 the fence for access. These gates will remain locked with access controlled by the Permittees.  
35 Around the perimeter of the fence, an unpaved roadway 16 feet (4.9 meters) wide will be cut to  
36 allow for patrolling of the perimeter. Figure H1-4 is an illustration of the fence line in relation to  
37 the repository footprint. Patrolling of the perimeter is based upon the need to ensure that no  
38 mining or well drilling activity is initiated that could threaten the integrity of the repository.

39 Fencing off an area larger than the disposal area footprint would not significantly reduce the risk  
40 of intrusion but would interfere with cattle grazing established prior to the LWA. The LWA states  
41 that the Secretary of Energy can allow grazing to continue where it was established prior to

1 enactment of the LWA. Based upon current drilling technologies, discussions with local well  
2 drilling organizations, and observation of well drilling activities in the WIPP vicinity, it typically  
3 requires at least two to three days for a driller to set up a deep drilling rig and commence actual  
4 drilling operations. Attaining the 2,150-foot (655-meter) depth that would approach the  
5 repository horizon takes at least another week to 10 days. Based upon current drilling practices,  
6 patrolling the fenced area two to three times weekly would identify any potential drilling activity  
7 well before any breach of the repository could occur. Therefore, the perimeter fence will be  
8 patrolled three times weekly after final closure.

9 Construction of access control systems using higher technology than described is not required.  
10 Likewise, continuous surveillance whether human or electronic is not required.

### 11 H1.1.2 Surveillance Monitoring

12 The Permittees will conduct periodic surveillance of the site and the repository footprint during  
13 the post-closure period. Unpaved roadways around the WIPP site boundary and around the  
14 repository footprint will facilitate such surveillance. Contractual arrangements with a local  
15 organization such as the Eddy County Sheriff's Department may be established which would  
16 provide some distinct advantages. Among the advantages are the following:

- 17 • deputies are trained in patrol and surveillance activities,
- 18 • deputies are authorized to arrest members of the general public who are found to be  
19 violating trespassing laws,
- 20 • the liability associated with apprehension, attempted apprehension, or circumstances  
21 arising from attempts would remain with the Sheriff's Department, and
- 22 • the general area to be patrolled is already a part of the Sheriff's area of responsibility.

23 Surveillance will consist of drive-by patrolling around the fenced perimeter a minimum of three  
24 times per week. In the course of the patrol, particular note will be taken of the fence integrity. In  
25 addition, the locked condition of each gate will be checked to ensure that gate integrity is  
26 maintained and there is no evidence of tampering. Surveillance will also include visual  
27 observation of the entire enclosed area for any signs of human activity. Additionally, surveillance  
28 patrols will be conducted around the site boundary's perimeter for signs of unauthorized human  
29 activities. A routine summary of each month's surveillance activity will be prepared documenting  
30 the date and time of each patrol and any unusual circumstances that may have been observed.  
31 This surveillance routine will continue throughout the post-closure care period.

### 32 H1.1.3 Maintenance and Remedial Actions

33 Anticipated maintenance and remedial action issues during the post-closure care period are  
34 minimal and should encompass such issues as

- 35 • fence and road maintenance,
- 36 • repair of any damage that occurs,
- 37 • response to evidence of potential erection of drilling equipment, and
- 38 • response to unauthorized entry into prohibited areas.

1 The Permittees will provide maintenance services within a reasonable time after the need is  
2 identified during routine patrolling activity. Any observed vandalism or unauthorized entry will be  
3 investigated and action will be taken as the circumstances warrant.

#### 4 H1.1.4 Control and Clean-up of Releases

5 The decontamination process and disposal of the derived waste will be completed prior to  
6 sealing the shafts and final facility closure. With the location of the WIPP repository at 2,150 feet  
7 (655 meters) below the surface and with panels closed and shafts sealed, the potential for  
8 releases of radioactive material or hazardous constituents following the sealing of the shafts is  
9 precluded. There will be no credible pathway for releases from the repository other than human  
10 intrusion. Routine patrols in accordance with access control requirements will preclude human  
11 intrusion into the repository during the post-closure period.

#### 12 H1.1.5 Groundwater Monitoring

13 Groundwater monitoring is the only monitoring program required by the Permit that will be  
14 conducted throughout the post-closure care period. The post-closure groundwater monitoring  
15 requirements are specified in Permit Part 7 and Permit Attachment L.

#### 16 H1.2 Additional Post-Closure Activities

17 With the certification of closure of WIPP and return of the land disturbed by the WIPP activities  
18 to a stable ecological state that will assimilate with the surrounding undisturbed ecosystem,  
19 continuous occupancy of the site for operational and security purposes will cease. Any  
20 additional activities will be imposed through the Post-Closure Care Permit issued by NMED after  
21 certification of closure.

#### 22 H1.3 Quality Assurance

23 The quality assurance and quality control plan will be applied to the procurement of materials for  
24 and the erection of the fencelines enclosing the repository footprint. In particular, quality control  
25 inspection of the placement and tensioning of the barbed wire and chain link fabric will be  
26 applied and utilized to provide reasonable assurance that the fencing structures will function  
27 during the post-closure care period with normal maintenance.

28 Quality assurance and quality control will also be applied to the sampling and analyses  
29 supporting the environmental monitoring program. Contractors collecting samples and  
30 laboratories conducting analyses for the Permittees shall be qualified in accordance with  
31 guidelines prescribed in the most current edition of the Permittees' quality assurance program  
32 document at the time that the contracts are awarded.

33

1 References

2 EPA (U.S. Environmental Protection Agency). 1993. 40 CFR Part 191 Environmental Radiation  
3 Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and  
4 Transuranic Radioactive Waste; Final Rule. *Federal Register*, Vol. 58, No. 242, pp. 66398-  
5 66416, December 20, 1993. Office of Radiation and Indoor Air, Washington, D.C.

6 U.S. Congress. 1992. Waste Isolation Pilot Plant Land Withdrawal Act. Public Law 102-579, 106  
7 Stat. 4777, October 1992. 102nd Congress, Washington, D.C.

8

1

## FIGURES

2

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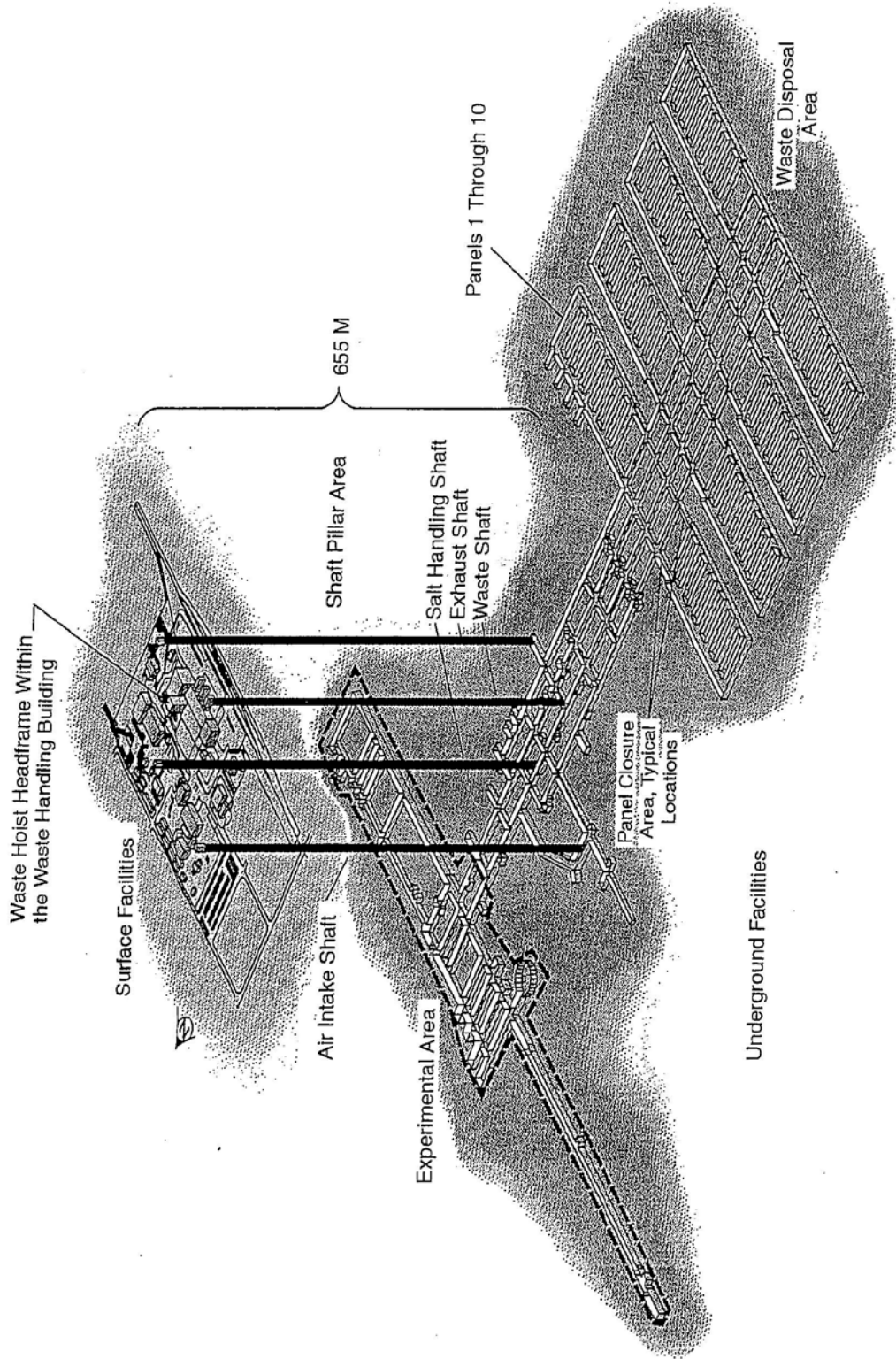
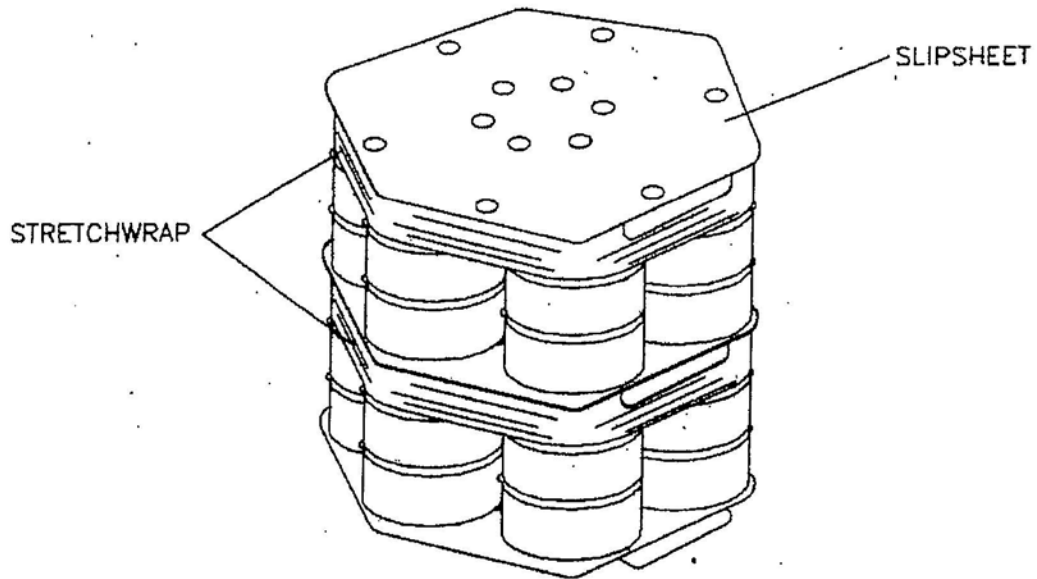
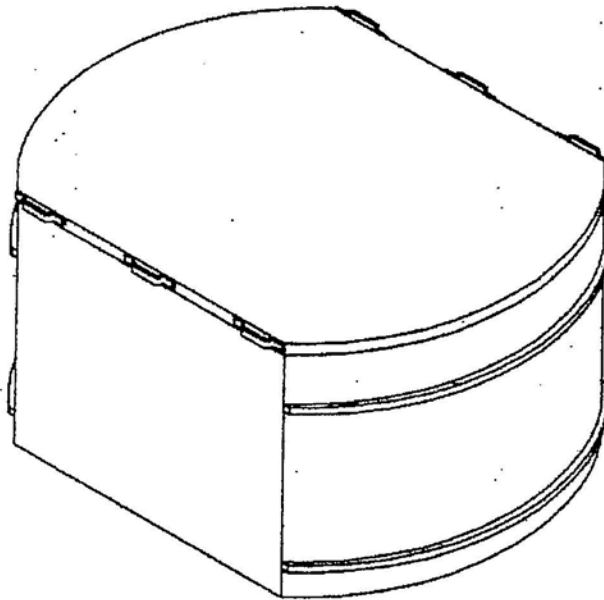


Figure H1-1  
Spatial View of WIPP Surface and Underground Facilities



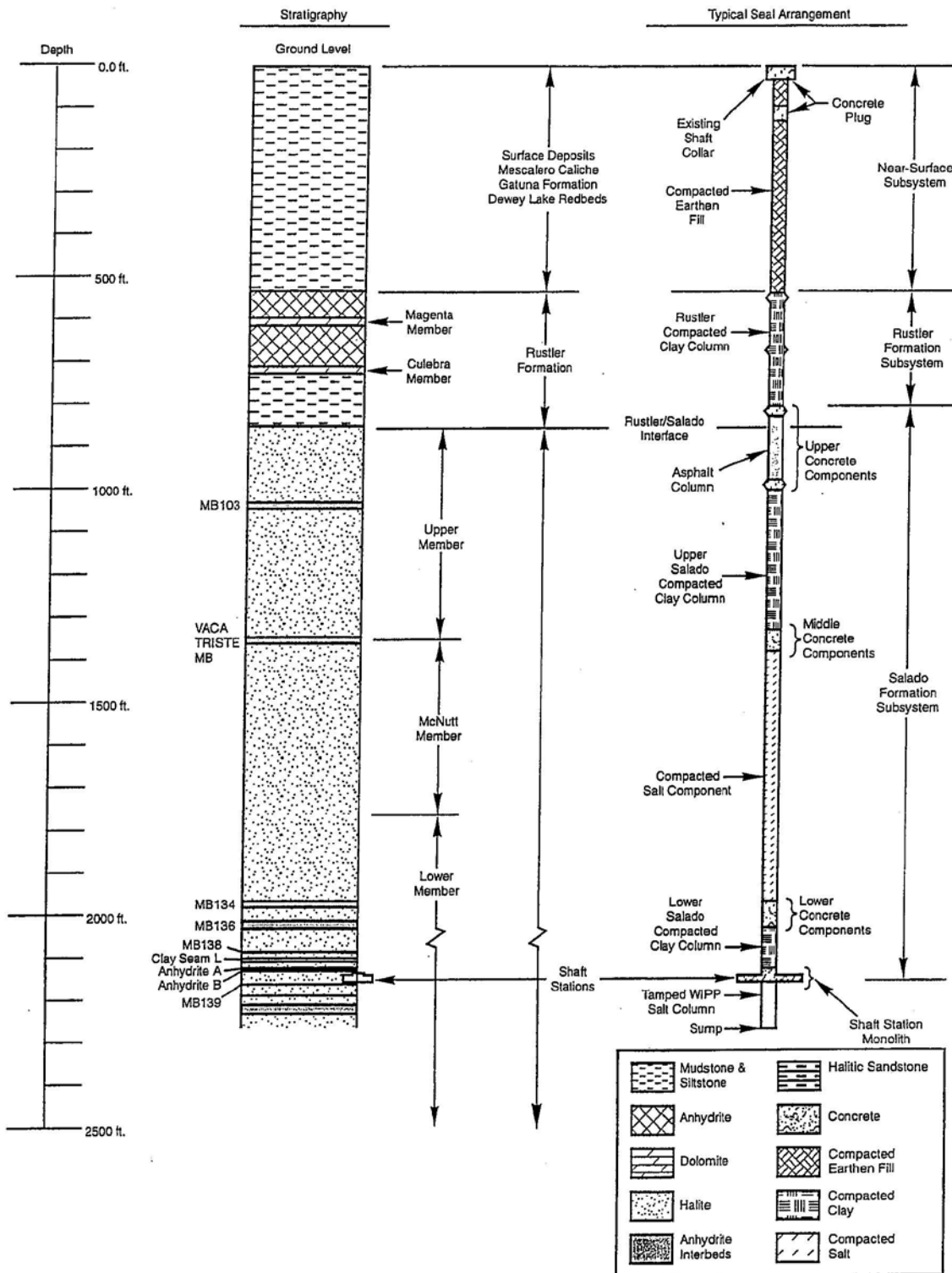
SEVEN-PACKS



STANDARD WASTE BOX

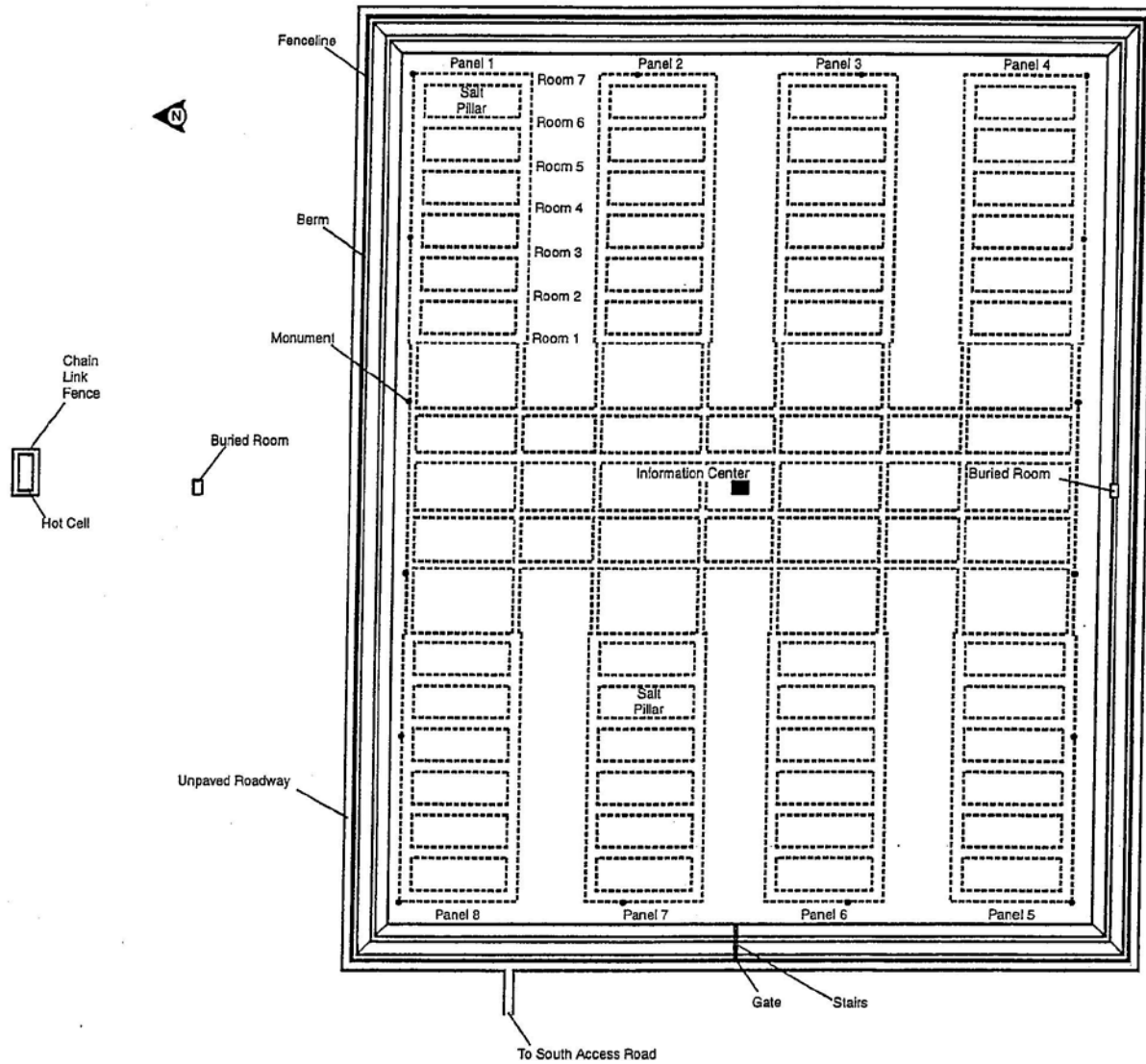
Figure H1-2  
Standard Waste Box and Seven-Pack Configuration





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Figure H1-3  
 Typical Shaft Sealing System



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Figure H1-4  
Perimeter Fenceline and Roadway