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Environment Department Fines WIPP \$2.4 Million for Waste Analysis Failure, Requests More information on Improperly Disposed Waste

(Santa Fe, NM) — The New Mexico Environment Department (NMED) today issued a compliance order to the U.S. Department of Energy (DOE) for violations of state hazardous waste management regulations carrying a total civil penalty of \$2,397,450. These violations concern shipments of radioactive waste from the Idaho National Engineering and Environmental Laboratory (INEEL) to the Waste Isolation Pilot Plant (WIPP) between March and July of this year.

These shipments of mixed waste from INEEL's Advanced Mixed Waste Treatment Project contained 107 drums that had not undergone the proper testing to ensure that they were eligible and safe for WIPP disposal.

"I hope that this enforcement action sends a strong message to DOE that NMED takes these violations very seriously," said NMED Secretary Ron Curry. "WIPP's permit clearly lays out the testing requirements necessary to ensure that only safe and proper waste is disposed of at the site. These safety precautions are designed to protect the people of Carlsbad and citizens living along the state's WIPP routes."

NMED's Compliance Order also requires DOE to submit to NMED a plan for removing this untested waste from the repository and a technical justification demonstrating that all 107 drums pose no elevated risk to human health and the environment. Both of these documents have a 30-day deadline.

"After a careful analysis of the existing information on this waste, we have decided to not order it removed from WIPP at this time," said Secretary Curry. "This decision involved several factors including the safety of WIPP's workers and the best use of taxpayers' money. However, we will not grant DOE final approval on disposal of these 107 drums until the reports are received from DOE and carefully reviewed."

NMED's investigation of this incident included sending several staff members to Idaho for a week to collect information and analyze waste documentation.

Under the terms of this Compliance Order, DOE is also required to submit to NMED a plan for providing members of the public with access to all query and reporting functions of the

Characterization, Certification, Shipping and Inventory modules of the WIPP Waste Information System (WWIS). This database contains information on waste slated for WIPP disposal.

“I believe that access to this information will promote improved transparency for the public and greater pressure on DOE to not allow these mistakes to happen again,” said Secretary Curry.

DOE has 30 days to request a hearing in this matter. A settlement conference may also be requested with any settlement reached being set forth in a stipulated final order between the parties. All penalties paid will go the State of New Mexico Hazardous Waste Emergency Fund where they will be available for environmental clean ups.

The order is between NMED, the DOE and Washington TRU Solutions, who co-operates WIPP under contract with DOE.

DOE is not currently shipping waste from INEEL to WIPP and will not do so until NMED is satisfied with the actions taken to address this problem. NMED is awaiting further information on these violations and corrective actions taken before granting approval to further shipments. INEEL’s Advanced Mixed Waste Treatment Project is managed by BNFL for the DOE.

For further information contact Jon Goldstein, Communications Director, NMED at (505) 827-0314.

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