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## **Environment Department Issues Three Enforcement Actions with \$996,200 Fines for Improper Waste Disposal, Characterization and Monitoring at WIPP**

(Santa Fe, NM) – The New Mexico Environment Department (NMED) issued two Administrative Compliance Orders and one Notice of Violation to the U.S. Department of Energy Carlsbad Field Office (DOE) today for violations of its permit at the Waste Isolation Pilot Plant (WIPP) facility 26 miles east of Carlsbad. Those enforcement actions include combined fines totaling \$996,220.

### **INL Errant Drum**

The first Administrative Compliance Order concerns a violation that occurred in June 2007 when DOE accepted a drum with liquid waste from Idaho National Laboratory (INL) for storage and disposal at WIPP. WIPP's NMED permit contains clear prohibitions on the disposal of certain items, including liquids, that could negatively impact the repository and human health and the environment. WIPP did not discover the noncompliant drum until almost three weeks after emplacement at WIPP. Secretary Curry ordered DOE to remove the drum August 2. DOE removed the noncompliant drum from WIPP and shipped it back to INL on August 17.

While NMED has cited DOE in the past for disposing of improperly characterized waste, this is the first time NMED documented the actual disposal of waste containing prohibited items in the repository. The total fine for that compliance order is \$110,700.

“WIPP’s permit is a promise to New Mexicans that this facility will be operated safely now and in the future,” said NMED Water and Waste Division Director Jon Goldstein. “We appreciate the speedy action WIPP took to solve this problem; however this enforcement action should send the message that mistakes like this cannot be allowed to happen in the first place.”

### **LANL CCP**

The second Administrative Compliance Order concerns shipments of transuranic waste from Los Alamos National Laboratory (LANL) that DOE and Washington TRU Solutions, LLC (WTS) accepted for storage and disposal at WIPP without ensuring that the waste met the appropriate characterization requirements of the permit. That violation concerns the disposal of 121 containers of dewatered sludge waste between August 2005 and February 2006 for which visual examination (VE) was inappropriately conducted in lieu of in-depth

x-ray inspections known as real-time radiography (**RTR**). NMED first identified that violation following an information request to DOE and WTS and an evaluation of their response.

The Central Characterization Project (**CCP**), a division of WTS, conducted waste characterization activities for WIPP-bound waste at LANL. WIPP's Permit allows VE as an approved method only if the waste can adequately and thoroughly be characterized through visual means alone. The perfunctory manner in which VE was conducted to characterize the diverse types of waste in these drums was inadequate to describe all the contents in the containers.

“Unfortunately, video tapes show that technicians only casually examined the surface of the waste in these containers, making it impossible to determine whether prohibited items might be below the surface of the sludge,” said Division Director Jon Goldstein. “WIPP has a responsibility to thoroughly inspect all waste before disposing of it. This is to ensure the repository continues to operate safely long into the future.”

The total fine for that compliance order is \$847,000. The order also directs DOE and WTS to develop a plan for removing all waste subject to the compliance order from the underground unless they can provide technical justification demonstrating that the waste poses no elevated risk to human health and the environment.

DOE and WTS may respond to these compliance orders by ensuring compliance and paying the fines, arranging for settlement with NMED and/or requesting a hearing.

### **Groundwater Monitoring**

NMED also issued a Notice of Violation concerning numerous deficiencies in WIPP's groundwater monitoring program.

The violations noted include failure to annually measure water densities in all water level monitoring wells for the past seven years; failure to establish minimum qualification criteria and training standards for WIPP's Environmental Manager; failure to develop specific procedures for the groundwater level monitoring program, such as determining the ground-water flow rate and direction in the vicinity of the WIPP site; and failure to establish clear data quality objectives for groundwater level data that are collected and reported to NMED monthly and annually. The total fine for that NOV is \$38,520.

“Ground-water monitoring is a key part of ensuring that WIPP's operations do not adversely impact the health and environment of area citizens,” said Division Director Jon Goldstein. “We expect the same high standards of compliance from WIPP's ground-water program that we've held their waste characterization activities to over the years.”

NMED discovered those violations earlier this year following an inspection of the site and a review of documents requested after the inspection.

DOE and WTS may request to enter into discussions with the department if they dispute these alleged violations.

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