

Date: JUNE 20, 2000

Note to: JOHN KIELING, NMED

Subject: ASBESTOS

JOHN, ENCLOSED ARE COPIES OF SEVERAL DOCUMENTS. THE FIRST IS A LETTER SUBMITTED TO NMED NOVEMBER 22, 1999 REGARDING WIPP'S DESIRE TO DISPOSE OF TRU WASTE THAT WAS CO CONTAMINATED WITH ASBESTOS. THE SECOND LETTER IS FROM CHUCK HULES, NMED, DATED MAY 1, 2000 STATING THAT THE SOLID WASTE RULES WERE NOT APPLICABLE TO THE TRU CONTAMINATED ASBESTOS. THE THIRD DOCUMENT IS A MEMORANDUM FROM JODY PLUM, DOE/CAO SUBMITTED TO NICK STONE AND STEVE ZAPPE, MAY 8, 2000. INCLUDED IN THIS LAST SUBMITTAL (NOT SENT) WAS AN AGENDA FOR A MEETING TO BE HELD AT EPA REGION 6 ON MAY 9.

NO FURTHER LETTERS OR MEMORANDUMS ON ASBESTOS DISPOSAL AT WIPP ARE KNOWN TO HAVE BEEN SUBMITTED TO EITHER NMED OR EPA. ALL OTHER COMMUNICATIONS HAVE BEEN VERBAL.

A MEETING WAS HELD MAY 9, 2000 IN EPA REGION 6 OFFICES IN DALLAS, TX, WHERE ASBESTOS DISPOSAL AT WIPP WAS DISCUSSED. MESSRS. JAMES BEARZI AND STEVE ZAPPE, NMED WERE IN ATTENDANCE BY CONFERENCE CALL. MR. MARK HANSON, EPA REGION 6 NOTED DURING THIS MEETING THAT RADIONUCLIDES AND IN THIS INSTANCE, TRU CONTAMINATION, TAKE PRECEDENCE OVER ASBESTOS REGARDING ITS DISPOSAL, AND THAT NMED HAS THE AUTHORITY TO ALLOW ASBESTOS TO BE DISPOSED IN WIPP. [MR. PLUM NOTED AT THIS TIME THAT ASBESTOS DEBRIS WAS LISTED IN THE S-5000 SUMMARY CATEGORY AND WAS ACCEPTABLE TO BE DISPOSED AT WIPP (SEE WIPP PERMIT ATTACHMENT A, SECTION A-5, PAGE A-3)]. MR. ZAPPE INDICATED THAT HE WOULD FURTHER DISCUSS THIS MATTER WITH MS. SUSAN MCMICHAELS. I BELIEVE THAT HE HAS DONE SO.

WHAT I AM LOOKING FOR IS A LETTER FROM NMED THAT RESPONDS TO THE NOVEMBER 22, 1999 LETTER, CONFIRMS THE MAY 1, 2000 LETTER, ACKNOWLEDGES THE EPA'S COMMENTS OF MAY 9, AND ACCEPTS THE OCTOBER 27, 1999 WIPP PERMIT LANGUAGE, SECTION A-5 THAT DISPOSAL OF ASBESTOS IS ACCEPTABLE AT WIPP WITHOUT FURTHER NOTIFICATION OR MODIFICATION OF THE PERMIT LANGUAGE. TO ASSURE THAT YOU HAVE ALL OF THE ABOVE, I HAVE ATTACHED COPIES OF THE REFERENCED LETTERS AND MEMORANDUM AND THE REFERENCED PERMIT LANGUAGE. MR. MARK HANSON MAY BE REACHED AT 214-665-7224 TO CONFIRM HIS STATEMENT.

YOUR ASSISTANCE WITH THIS MATTER IS GREATLY APPRECIATED. SHOULD YOU NEED TO DISCUSS THIS FURTHER, PLEASE CONTACT ME AT 505-234-7462.

JODY PLUM
RCRA PERMIT MANAGER
DOE/CAO

000634



November 22, 1999

Mr. Steve Zappe
New Mexico Environment Department
Hazardous & Radioactive Materials Bureau
2044 Galisteo Road, Bldg A
Santa Fe, NM 87502-6110

Subject: Notification of Asbestos Disposal Operations

Dear Mr. Zappe:

This letter is to confirm, pursuant to discussions with the Hazardous and Radioactive Materials Bureau and the Solid Waste Bureau on the November 10, 1999, that the WIPP is exempt from the solid waste regulations for the purpose of disposal of asbestos due to the presence of source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended. It is our understanding that this exemption applies to the requirements for registration of operations, which are not defined as a solid waste facility pursuant to 20NMAC9.1.11.213. This notice is hereby issued to provide the New Mexico Environment Department Solid Waste Bureau, Air Quality Bureau, and Hazardous and Radioactive Materials Bureau with information regarding WIPP's intent to dispose of transuranic (TRU) and TRU-mixed waste co-mingled with asbestos.

As the asbestos waste is co-mingled with the TRU-mixed waste, it will be managed, stored, and disposed of consistent with the provisions of WIPP's hazardous waste permit; number NM4890139088-TSDF. During handling and transportation, the isolation of the asbestos waste is accomplished using containers made of steel. Some also contain rigid, molded polyethylene liners. The containers meet the requirements of 20 NMAC 4.1.500 (incorporating 40 CFR §264.172).

Asbestos containing wastes to be disposed of at the WIPP come of the following DOE sites: Rocky Flats Environmental Technology Site; the Savannah River Site; the Idaho National Environmental Engineering Laboratory; the Hanford Site; and the Los Alamos National Laboratory. The asbestos containing wastes would be from various material production and/or laboratory facilities.

The asbestos containing waste will be composed primarily from floor tiles, transite panels, asbestos pipe insulation, asbestos pre-filter media, asbestos filter media, asbestos gloves, asbestos fire blankets, and construction debris. All of these materials will be co-mingled with TRU waste. The total volume of asbestos containing materials, co-mingled with TRU waste is projected to be approximately 12,000 m³.

Mr. Zappe

-2-

Asbestos contaminated material will be managed at the generator/storage sites in accordance with their respective state regulations. WIPP will ship via the same dedicated commercial carrier used to transport other TRU waste to the site. First receipt of waste that is co-mingled with asbestos is anticipated February 1, 2000.

Please contact Ms. Cynthia Zvonar of my staff at (505) 234-7495 with any questions regarding this asbestos disposal notification.

Sincerely,

Dr. Inés R. Triay
Manager

827-
-2924

cc:

C. Hules, NMED/SWB

C. Williams, NMED/AQB

MAY-25-2000 11:13



GARY E. JOHNSON
GOVERNOR

SOLID WASTE
ENVIRONMENT DEPARTMENT

Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone (505) 827-2855
Fax (505) 827-2836

5058272902 P.02/02



PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

May 1, 2000

Dr. Ines R. Triay, Manager
Carlsbad Area Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221

Re: Waste Type and Facility Registration Exemption

Dear Dr. Triay:

In response to your letter of November 22, 1999 asking for a determination whether WIPP is required to register as a solid waste facility or operation under the New Mexico Solid Waste Management Regulations, 20 NMAC 9.1.213; WIPP is exempt from both the registration and permitting requirements of 20 NMAC 9.1. The Solid Waste Regulations are not applicable to WIPP because the waste in question is excluded from the definition of solid waste because of the presence of source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

If you have any questions, please feel free to contact me at (505) 827-2924.

Sincerely,

Charles A. Hules, Manager
Compliance Monitoring & Enforcement Section
Solid Waste Bureau

CAH:ct

Cc: Darwin Pattengale, Manager, District IV, NMED
Fred Bennett, Solid Waste Compliance Officer, District IV, NMED

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1648	
CONNECTION TEL		5p5058271544
SUBADDRESS		
CONNECTION ID	HRMB	
ST. TIME	05/08 08:02	
USAGE T	00'50	
PGS. SENT	2	
RESULT	OK	

ZIPP

Date: May 8, 2000

To: Nick Stone, EPA Region 6

From: H. L. Plum, DOE/Carlsbad Area Office (CAO)

Subject: Asbestos, New Mexico Environment Department (NMED)
Solid Waste Bureau (SWB) Determination

The purpose of this memorandum is to forward to you a copy of a letter received from the NMED SWB regarding the status of Asbestos contaminated with source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. It is DOE's understanding of this letter that the NMED SWB considers this material excluded from definition as a solid waste. Further, it is our understanding that they have determined that the Waste Isolation Pilot Plant does not need to be registered or permitted for the disposal of this material.

Is it possible that adjoining states or other states allowing the disposal of nuclear waste have made a similar determination. If so, would it possible for you to have this information available during our meeting May 9, 2000?

We look forward to meeting with you tomorrow to discuss this matter.

Waste Isolation Pilot Plant
Hazardous Waste Permit
October 27, 1999

1 **A-5 Waste Description**

2 Wastes destined for WIPP are byproducts of nuclear weapons production and have been
3 identified in terms of waste streams based on the processes that produced them. Each waste
4 stream identified by generators is assigned to a Waste Summary Category to facilitate RCRA
5 waste characterization, and reflect the final waste forms acceptable for WIPP disposal.

6 **These Waste Summary Categories are:**

7 **S3000—Homogeneous Solids**

8 Solid process residues defined as solid materials, excluding soil, that do not meet the
9 applicable regulatory criteria for classification as debris [20 NMAC 4.1.800,
10 (incorporating 40 CFR §268.2(g) and (h))]. Solid process residues include inorganic
11 process residues, inorganic sludges, salt waste, and pyrochemical salt waste. Other
12 waste streams are included in this Waste Summary Category based on the specific
13 waste stream types and final waste form. This category includes wastes that are at
14 least 50 percent by volume solid process residues.

15 **S4000—Soils/Gravel**

16 This waste summary category includes waste streams that are at least 50 percent by
17 volume soil. Soils are further categorized by the amount of debris included in the
18 matrix.

19 **S5000—Debris Wastes**

20 This waste summary category includes waste that is at least 50 percent by volume
21 materials that meet the NMAC criteria for classification as debris (20 NMAC 4.1.800
22 (incorporating 40 CFR §268.2)). Debris means solid material exceeding a 2.36 inch (60
23 millimeter) particle size that is intended for disposal and that is: 1) a manufactured
24 object, 2) plant or animal matter, or 3) natural geologic material.

25 **The S5000 Waste Summary Category includes metal debris, metal debris containing**
26 **lead, inorganic nonmetal debris, asbestos debris, combustible debris, graphite debris,**
27 **heterogeneous debris, and composite filters, as well as other minor waste streams.**
28 **Particles smaller than 2.36 inches in size may be considered debris if the debris is a**
29 **manufactured object and if it is not a particle of S3000 or S4000 material.**

30 **If a waste does not include at least 50 percent of any given category by volume,**
31 **characterization shall be performed using the waste characterization process required for the**
32 **category constituting the greatest volume of waste for that waste stream.**

To: John Kieung

From: Joe Pevan (505-234-7462(O))

Pages: INCLUDING COVER - 8

505 829 1544 (F)