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Hazardous Waste Permits Program Manager
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, New Mexico 87502-6110

Telephone Number: (505) 827-1557
Facsimile Number: (505) 827-1544

I.H. CONFIDENTIAL INFORMATION

The Permittees may claim confidentiality for any information submitted to or requested by the Secretary or required by this Permit, to the extent authorized by Section 74-4-4.3(D) of the HWA and 20 NMAC 4.1.900 (incorporating 40 CFR §270.12).

I.I. DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittees shall maintain at the facility, until closed as specified in Module II, the following documents and all amendments, revisions and modifications to these documents:

1. Waste Analysis Plan, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.13(b)) and this Permit, and records and results of waste analyses performed as specified in 20 NMAC 4.1.500 (incorporating 40 CFR §264.13).
2. Inspection schedules, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.15(b)(2)) and this Permit, and records and results of inspections as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.15(d)).
3. Personnel training documents and records, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.16(d)) and this Permit.
4. Contingency Plan, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.53(a)) and this Permit, including summary reports and details of all incidents that require implementation of the contingency plan as specified in 20 NMAC 4.1.500 (incorporating 40 CFR §264.56(j)).
5. Operating record, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.73) and this Permit.
6. Closure Plan, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.112(a)) and this Permit.
7. Post-Closure Plan as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.118(a)) and this Permit.
- ~~8. Annually adjusted cost estimate for facility closure and post closure, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §§264.142(d) and 264.144(d)) and this Permit.~~
9. Procedures for limiting air emissions, as required by 20 NMAC 4.1.500 and .900 (incorporating 40 CFR §§264.601(c) and 270.23(a)(2)) and this Permit.

~~100~~. All other documents required by Module I, Permit Condition I.E.10, and Module II, ~~Permit Conditions II.O and II.P.~~

I.J. DOCUMENTS TO BE SUBMITTED TO THE SECRETARY

The Permittees shall submit the Mine Ventilation Rate Monitoring Plan to the Secretary in accordance with the compliance schedule specified in Permit Condition IV.J.

II.L.7. Survey Plat

No later than the submission of the certification of closure of each Underground HWDU, the Permittees shall submit a survey plat detailing the location and dimensions of each Underground HWDU with respect to permanently surveyed benchmarks, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.116).

II.M. GENERAL POST-CLOSURE REQUIREMENTS

General post-closure care requirements are specified in Permit Module VI, Post-Closure Care Plan.

~~II.N. COST ESTIMATES FOR FACILITY CLOSURE AND POST-CLOSURE~~

~~II.N.1. Cost Estimates~~

~~WID shall implement financial assurance instruments in the amount of the most recent closure and post-closure cost estimates, prepared in accordance with 20 NMAC 4.1.500 (incorporating 40 CFR §§264.142 and 264.144), as specified in Permit Attachment K.~~

~~II.N.2. Adjustment of Cost Estimates~~

~~WID shall adjust the closure and post-closure cost estimates for inflation within sixty (60) calendar days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 20 NMAC 4.1.500 (incorporating 40 CFR §§264.143 and 264.145) and Permit Condition II.O, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §§264.142(b) and 264.144(b)).~~

~~II.N.3. Revision of Cost Estimates~~

~~WID shall revise the closure and post-closure cost estimates no later than thirty (30) calendar days after the Secretary approves a request to modify the Closure or Post-Closure Plans, if the change increases the cost of closure or post-closure, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §§264.142(c) and 264.144(c)).~~

~~II.N.4. Recordkeeping~~

~~WID shall maintain the current closure and post-closure cost estimates in the operating record, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §§264.142(d) and 264.144(d)).~~

~~II.O. — FINANCIAL ASSURANCE FOR FACILITY CLOSURE AND POST-CLOSURE~~

~~II.O.1. — Submittal of Financial Assurance Documentation~~

~~WID shall submit a signed duplicate original of the closure and post-closure financial assurance instrument(s), and any other required documentation, to the Secretary at least sixty (60) calendar days before receiving TRU mixed waste for management, storage, or disposal, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §§264.143 and 264.145).~~

~~II.O.2. — Changes to Financial Assurance Instrument~~

~~WID shall not change the financial assurance instrument(s) without approval of the Secretary, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §§264.143 and 264.145).~~

~~II.P. — LIABILITY REQUIREMENTS~~

~~II.P.1. — Liability Coverage Amounts~~

~~WID shall have and maintain liability coverage for sudden and accidental occurrences in the amount of one million dollars (\$1,000,000) per occurrence, with an annual aggregate of at least two million dollars (\$2,000,000), exclusive of legal defense costs, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.147(a)). WID shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of three million dollars (\$3,000,000) per occurrence, with an annual aggregate of at least six million dollars (\$6,000,000), exclusive of legal defense costs, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.147(b)).~~

~~II.P.2. — Submittal of Liability Documentation~~

~~WID shall submit a signed duplicate original of the liability policy, and any other required documentation, to the Secretary at least sixty (60) calendar days before receiving TRU mixed waste for management, storage, or disposal, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.147).~~

~~II.Q. — INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS~~

~~WID shall comply with the requirements of 20 NMAC 4.1.500 (incorporating 40 CFR §264.148(a)).~~

Permit Attachment H2 (as modified from WIPP RCRA Part B Permit Application, "Training Course and Qualification/Certification Card Outlines" - Appendix H3).

Permit Attachment I (as modified from WIPP RCRA Part B Permit Application, "Closure Plans, Post-Closure Plans, and Financial Requirements" - Chapter I).

Permit Attachment I1 (as modified from WIPP RCRA Part B Permit Application, "Technical Specifications, Panel Closure System, Waste Isolation Pilot Plant" - Appendix I1).

Permit Attachment I2 (as modified from WIPP RCRA Part B Permit Application, "Shaft Sealing System Compliance Submittal Design Report" - Appendix 2).

Permit Attachment J (as modified from WIPP RCRA Part B Permit Application, "Closure Plans, Post-Closure Plans, and Financial Requirements" - Chapter I).

Permit Attachment J1 (as modified from WIPP RCRA Part B Permit Application, "Active Institutional Controls" - Appendix I4).

~~Permit Attachment K (as modified from WIPP RCRA Part B Permit Application, "Closure Plans, Post-Closure Plans, and Financial Requirements" - Chapter I).~~

Permit Attachment O (as modified from WIPP RCRA Part B Permit Application, "Hazardous Waste Permit Application Part A" - Chapter A).

shall submit to the Secretary, by registered mail, a certification that the post-closure care for the Underground HWDU was performed in accordance with the specifications in the approved Post-Closure Plan, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.120). The Permittees and an independent New Mexico registered professional engineer shall sign the certification. The Permittees shall provide to the Secretary upon request, ~~until the Secretary releases WID from the financial assurance requirements for post-closure care,~~ the documentation supporting the professional engineer's certification, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.145(i) and §264.120).

VI.E. POST-CLOSURE PERMIT MODIFICATIONS

The Permittees shall submit a written notification of or request for a permit modification to amend the approved Post-Closure Plan at any time during the active life of the facility or during the post-closure care period, as required by 20 NMAC 4.1.500, .900, and .901 (incorporating 40 CFR §§264.118(d) and 270). The Permittees shall include a copy of the proposed amended Post-Closure Plan for approval by the Secretary, as required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.118(d)).

VI.E.1. Changes Requiring a Permit Modification

Changes to the approved Post-Closure Plan which require a permit modification include, but are not limited to, the following circumstances specified in 20 NMAC 4.1.500 (incorporating 40 CFR §264.118(d)(2)):

- VI.E.1.a. Operating plans - whenever changes in operating plans or facility design affect the approved Post-Closure Plan; or
- VI.E.1.b. Timing of closure - whenever there is a change in the expected year of final closure; or
- VI.E.1.c. Other events - whenever other events occur during the active life of the facility, including partial or final closure, that affect the approved Post-Closure Plan.

VI.E.2. Timing of Permit Modification

The Permittees shall submit a written request for a permit modification at least sixty (60) calendar days prior to the proposed change in facility design or operation, or no later than sixty (60) calendar days after an unexpected event has occurred which affects the Post-Closure Plan, as required by 20 NMAC 4.1.500 (incorporating §264.118(d)(3)).

ATTACHMENT K

FINANCIAL REQUIREMENTS RESERVED

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ATTACHMENT K

FINANCIAL REQUIREMENTS RESERVED

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ATTACHMENT K

FINANCIAL REQUIREMENTS

1 Introduction

2 This attachment specifies cost estimates for closure and post-closure activities at the WIPP
3 and information demonstrating WID's commitment to comply with financial assurance and
4 liability provisions of 20 NMAC 4.1.900 and .500 (incorporating 40 CFR §270.14(b)(15);
5 §264.142; and §264.143); 20 NMAC 4.1.900 and .500 (incorporating 40 CFR §270.14(b)(16);
6 §264.144; and §264.145); and 20 NMAC 4.1.900 and .500 (incorporating 40 CFR
7 §270.14(b)(17); §264.147(a); and §264.147(b)).

8 K-1 — Closure Cost Estimate

9 A closure cost estimate has been developed pursuant to 20 NMAC 4.1.500 (incorporating 40
10 CFR §264.142(a)) for the WIPP. This estimate equals the cost of final closure at the point in
11 the facility's active life when the extent and manner of its operations would make closure the
12 most expensive, in accordance with the requirements of 20 NMAC 4.1.500 (incorporating 40
13 CFR §264.142(a)(1)). Accordingly, panel closures are based on Option D in Permit Attachment
14 I (Closure Plan) Figure I-4, which is the most expensive option. Contingency Closure is
15 assumed at a time when decontamination of all waste handling areas (storage areas, shafts,
16 and access drifts) and associated equipment is necessary. Final facility closure is assumed to
17 occur at the end of planned facility operations. It is anticipated that the maximum extent of
18 decontamination will be necessary and that the greatest volume of disposable facilities and
19 equipment will exist at that point in the facility's life. A total cost of \$80,263,664 (1997 dollars)
20 has been estimated to perform the closure activities in Permit Attachment I. Table K-1 contains
21 a detailed description of the closure activities and their costs. The closure cost estimate
22 encompasses the costs associated with the following activities, which are described in Permit
23 Attachment I: performance of site contamination surveys, decontamination of surface facilities,
24 panel closure of the last open Underground HWDU, and emplacement of the four shaft seals.

25 The closure cost estimate reflects the on-site disposal of the mixed waste generated at the
26 facility by closure activities as described in Section I-1e(2)(c) of Permit Attachment I. This
27 waste will be placed in the last open Underground HWDU to the extent that such waste does
28 not exceed the permitted capacity for the facility. If capacity is not available at the WIPP, mixed
29 TRU waste generated during closure will be sent to a facility permitted to receive mixed TRU
30 waste.

31 K-2 — Financial Assurance Mechanism for Closure

32 Pursuant to 20 NMAC 4.1.900 (incorporating 40 CFR §270.14(b)(15)), WID shall submit
33 documentation to demonstrate financial assurance for closure costs and activities as set forth
34 in 20 NMAC 4.1.500 (incorporating 40 CFR §264.143) at least 60 days prior to the initial
35 receipt of TRU mixed wastes for disposal at WIPP.

1 K-3 — Post-Closure Cost Estimate

2 In accordance with 20 NMAC 4.1.500 (incorporating 40 CFR §264.144(a)), a total cost of
3 \$18,800,615 (1997 dollars) has been estimated to perform the post-closure activities in this
4 Post-Closure Plan. The post-closure cost estimate is based on the projected costs for the
5 entire post-closure period of 30 years. The detailed post-closure cost estimate is presented in
6 Table K-2. The post-closure cost estimate encompasses the costs associated with the
7 following activities as described in Permit Attachment J, Post-Closure Plan: construction of
8 fencing around the protected area, periodic surveillance monitoring of the protected area and
9 periodic groundwater monitoring to evaluate the performance of the repository.

10 K-4 — Financial Assurance Mechanism for Post-Closure

11 Pursuant to 20 NMAC 4.1.900 (incorporating 40 CFR §270.14(b)(16)), WID shall submit
12 documentation to demonstrate financial assurance for post-closure costs and activities as set
13 forth in 20 NMAC 4.1.500 (incorporating 40 CFR §264.145) at least 60 days prior to the initial
14 receipt of TRU mixed wastes for disposal at WIPP.

15 K-5 — Liability Requirement

16 Coverage for sudden accidental occurrences, pursuant to 20 NMAC 4.1.500 (incorporating 40
17 CFR §264.147(a)), and for non-sudden accidental occurrences, pursuant to 20 NMAC 4.1.500
18 (incorporating 40 CFR §264.147(b)), shall be maintained in accordance with the provisions of
19 DOE/Westinghouse Contract, No. DE-AC04-86AL31950. Westinghouse shall maintain a self-
20 insurance program for purposes of addressing third-party liabilities. Third-party liability
21 coverage shall be provided for sudden accidental occurrences in the amount of at least \$1
22 million per occurrence with an annual aggregate of at least \$2 million, as required by 20 NMAC
23 4.1.500 (incorporating 40 CFR §264.147(a)); and for non-sudden accidental occurrences in
24 the amount of at least \$3 million per occurrence with an aggregate of at least \$6 million, as
25 required by 20 NMAC 4.1.500 (incorporating 40 CFR §264.147(b)).

26 K-6 — Liability Coverage Mechanism

27 Pursuant to 20 NMAC 4.1.900 (incorporating 40 CFR §270.14(b)(17)), WID shall submit
28 documentation to demonstrate the amount of insurance meeting the specifications set forth in
29 20 NMAC 4.1.500 (incorporating 40 CFR §§264.147(a) and 264.147(b)) at least 60 days prior
30 to the initial receipt of TRU mixed wastes for disposal at WIPP.

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TABLES

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**TABLE K-1
 RCRA CLOSURE COST ESTIMATE**

This estimate equals the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make closure the most expensive, in accordance with the requirements of 20-NMAC 4.1.500 (incorporating 40 CFR §264.142(a)(1)).

		Partial Closure Cost (1 year)	Contingency Closure Cost (3 years)	Final Closure Cost (10 years)
Infrastructure	RCRA Permit Fee	*	*	*
Section I-2a	Engineering Certification	\$140,472	\$2,321,187	\$4,194,393
Subtotal		\$140,472*	\$2,321,187*	\$4,194,393*
Panel Closure	Excavate salt for concrete barriers	\$42,000	\$42,000	\$84,000
Section I-1e(2)(d)	Excavate salt for explosion-isolation walls	\$14,000	\$14,000	\$28,000
Section I-1e(1)				
Figure I-4				
Attachment I1	Steel for concrete barriers	\$150,000	\$150,000	\$300,000
	Concrete for concrete barriers	\$676,000	\$676,000	\$1,352,000
	Grout for concrete barriers	\$370,000	\$370,000	\$740,000
	Concrete blocks in-place for explosion-isolation walls	\$290,000	\$290,000	\$580,000
Subtotal		\$1,542,000	\$1,542,000	\$3,084,000
Shafts/Borehole Closure	Equipment	NA	NA	\$5,450,000
Section I-1e(2)(e)	Mobilization and Demobilization	NA	NA	\$4,090,800
Attachment I2	Decommissioning and Disposal	NA	NA	\$1,451,950
	Seal materials	NA	NA	\$43,549,220
	Grouting	NA	NA	\$1,454,842
	Borehole plugging	NA	NA	\$1,300,000
Subtotal		\$0	\$0	\$57,296,812
Site Contamination Surveys	Surface	NA	\$1,354,182	\$1,354,182
Section I-1e(2)(a)	Underground	NA	\$1,227,607	NA
Subtotal		\$0	\$2,581,789	\$1,354,182
Decontamination	Surface	NA	957,000	957,000
Section I-1e(2)(b)	Underground	NA	798,590	NA
Subtotal		\$0	\$1,755,590	\$957,000
Subtotals		\$1,682,472*	\$8,200,566*	\$66,886,387*
Contingency (20%)		\$336,494*	\$1,640,113*	\$13,377,274*
Totals		\$2,018,966*	\$9,840,679*	\$80,263,664*

* RCRA Permit Fee will be included upon approval of NMED Fee Regulations

TABLE K-2
RCRA POST-CLOSURE COST ESTIMATE

		Post-Closure Cost (30 years)
Infrastructure		
Section J-2	RCRA Permit Fee	*
Subtotal		*
Active Institutional Controls^a		
	Groundwater Monitoring	\$14,000,000
Section J-1a(1)	Repository Footprint Fencing	\$1,138,526
Attachment J1	Surveillance Monitoring	\$528,653
Subtotal		\$15,667,179
Subtotals		\$15,667,179*
Contingency (20%)		\$3,133,436*
Totals		\$18,800,615*

* RCRA Permit Fee will be included upon approval of NMED Fee Regulations

^a Labor costs are included in each line item under active institutional controls.