



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

September 13, 2000

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Mr. James Bearzi, Chief  
Hazardous and Radioactive  
Materials Bureau  
New Mexico Environment Department  
2044A Galisteo Street  
Santa Fe, NM 87505

Re: Proposed Permit Modification for a Centralized Characterization Facility at the Waste Isolation Pilot Plant (WIPP); Permit No. NM4890139088

Dear Mr. Bearzi:

The Environmental Protection Agency (EPA), Region 6 received a copy of the proposed modification on August 11, 2000. The New Mexico Environment Department (NMED) is fully authorized to implement RCRA and comments from Region 6 are intended to facilitate the permit modification process. Listed below are the comments Region 6 has regarding this proposed modification.

- 1) **NESHAP Subpart H:** Waste characterization activities at the WIPP site are applicable to the regulations at 40 CFR 61 Subpart H. The Office of General Counsel as well as the Office of Regional Counsel concur that waste characterization is a new activity outside of the original RCRA permit application. The original permit application specifically stated that all waste characterization activities would occur at the generator sites prior to shipment. Based on this requirement, Region 6 (B Hanneschlager) provided a letter to NMED (C Williams) dated October 13, 1998, outlining the rationale for a Subpart H exemption for the WIPP facility. With a modification allowing waste characterization at the WIPP facility, DOE and WID must comply with the regulations at 40 CFR part 61 Subpart H for the waste characterization activities. Only disposal activities as distinguished from management, processing or storage are exempt from Subpart H.
- 2) **Modification Class:** Region 6 recommends that the proposed permit modification be a Class 3 modification instead of Class 2 as proposed by DOE. This determination is based on public interest shown throughout the permit approval process and the complex nature of the change to operations this modification represents [40 CFR 270.42 (b)(6)(i)(C)]. Conducting waste characterization at the facility is a fundamental change in the operations of the WIPP from those stated in the permit application. The DOE application specified that all waste characterization would occur at the generator site. Specific procedures were incorporated into the permit to inspect the incoming waste containers in a timely

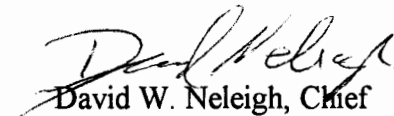


manner and to return containers that are inconsistent with the permit back to the generator site. Concern was expressed in the public comments regarding waste characterization and the impact of emissions from the containers.

- 3) **Storage of Waste:** The proposed modification requests (page A-5) "...the same storage limitations that already exist at other hazardous waste storage, treatment, and disposal facilities...". The original NMED draft permit proposed a one year limitation to storage and the final permit reflects a 60 day limitation based on WIPP's exclusive activity as a disposal site. Region 6 can concur with the one year storage limitation originally proposed in the draft permit at Module III.A.1.e.

Thank you for the opportunity to review and comment on this proposed modification. Should you have any questions regarding these comments, please contact Nick Stone at (214) 665-7226 for further information.

Sincerely,

  
David W. Neleigh, Chief  
New Mexico and Federal  
Facilities Section

cc: George Brozowski (Region 6)  
Steve Zappe (NMED)  
Inez Triay (DOE)  
Mary Kruger (ORIA)