

September 23, 2002

Mr. Steve Zappe
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Regarding: WIPP Permit Modification Request

Item 1: Addition of New Mexico Hazardous Waste Number

Item 2: Characterizing Re-Packaged Homogenous Solids as Retrievably Stored Waste with Regard to Solids Sampling

Item 3: Classified Information Record Keeping and Audit Requirements

Item 4: Addition of HalfPACTs

Item 5: Use of Radiography for Newly Generated Waste

Dear Mr. Zappe,

I am writing this to you to inform you that I strongly oppose the proposed modifications to the Waste Isolation Pilot Plant (WIPP). I also strongly recommend that the New Mexico Environment Department deny the permit modification request.

As the Environment Department knows, regulations under the New Mexico Hazardous Waste Act (20 NMAC 4.1.900 incorporating 40 CFR §270.42(b)(7)) provides that it may deny any Class 2 permit modification request for the following reasons:

1. the modification request is incomplete;
2. the modification request does not comply with other regulations covering operating standards for hazardous waste storage and disposal facilities; or
3. the conditions of the modification fail to protect human health and the environment

The following reasons will support my recommendation to deny.

Item 1: Addition of New Mexico Hazardous Waste Number

This item is incomplete. In order to add hydrofluoric acid to the WIPP Permit I need to see more supporting data to show me definitively why it is okay to bury this acidic waste at WIPP. The permit modification request gives no data to show why this is safe to the public and the environment.

In addition to this, we have seen over the course of WIPP's lifetime that the Idaho National Engineering and Environmental Laboratory is the main cause of WIPP's problems! The most recent example of this was the waste shipment from Idaho that apparently had leaky containers in the TRUPACT-II. Why is it that we should be expected to make concessions for Idaho since they have such a poor track record in the first place?

Item 2: Characterizing Re-Packaged Homogenous Solids as Retrievably Stored Waste with Regard to Solids Sampling

Again, this request is incomplete. While the permittees are attempting to clarify the permit, its own request deals with the questions in a very confusing manner and leaves me wondering what is actually going on. Because of the confusion it leaves me with, I would make the suggestion that this modification is incomplete.

This modification request does not take into account human and environmental safety. The permittees give only state that characterization will take less time and do not give examples on how this would be a better method of characterizing wastes. Through doing this, the permittees ignore safety.

Item 3: Classified Information Record Keeping and Audit Requirements

This modification is not a Class 2 permit modification. This is without a doubt, a Class 3 permit modification request. Never before have the permittees used national security in this manner for WIPP. There are far too many issues at stake for this to be considered a Class 2.

This modification is also incomplete. Why the permittees needs this modification is entirely uncertain. Why is this method better than others, such as destroying the waste instead of shipping it as it stands? The potential loss of public oversight is too much of a concern for the Environment Department to let this modification stand.

Item 4: Addition of HalfPACTs

The permittees have given little to no information on the projected future uses of the HalfPACT. In addition to this, there is no information on how radiography or other forms of confirmation and verification will be affected by this modification. Because of these items this permit modification is incomplete, and the New Mexico Environment Department must deny this modification.

Item 5: Use of Radiography for Newly Generated Waste

While efficiency may be of key concern for the permittees, it does not make a permit modification. Human and environmental safety should be of the utmost concern, yet the permittees do not deal with these issues in this modification request. There are unanswered questions as to why this modification is needed. The permittees state that there are times when visual examination is too difficult and that radiography is the best choice for its verification, but they do not explain why. This is unacceptable in a permit modification and makes it incomplete.

It is because of the reasons stated above that I believe the New Mexico Environment Department must deny these permit modification requests.

Thank you for your consideration of these comments.

Sincerely,

Name/Address/Phone Number