



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Richland Field Office

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February 17, 2023

23-NWP-026

Ricardo Maestas, WIPP Group Staff Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

Re: Public Comment Period and Opportunity to Request a Public Hearing on the Draft
Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant in Carlsbad,
New Mexico, EPA Identification Number: NM4890139088

Dear Ricardo Maestas:

The Department of Ecology (Ecology) would like to submit this comment in response to two of New Mexico Environment Department's (NMED) proposed changes to the draft Waste Isolation Pilot Plant (WIPP) Permit that may limit The Department of Energy's (USDOE) ability to follow through on legal obligations regarding the disposal of Resource Conservation and Recovery Act (RCRA) Transuranic Mixed (TRUM) waste currently on the Hanford Nuclear Site located in Eastern Washington.

Ecology refers specifically to the proposed permit changes listed in NMED's Fact Sheet as Topics 1 Closure and 2 Permit Revocation, which could lead to early closure of the WIPP under certain circumstances. In effect, removing the only disposal pathway in the nation for the TRUM waste on the Hanford Site.

The safe and effective cleanup of the Hanford Site will be impacted by USDOE failing to meet their obligations to NMED as outlined in the draft WIPP Permit. Ecology requests USDOE and NMED ensure all necessary conditions are met to avoid closure of WIPP earlier than anticipated. Ecology has based USDOE's legal obligations regarding the management of TRUM waste on the continued acceptance and emplacement of TRUM waste at WIPP through a series of milestones, initially created on December 31, 1996.

Ecology supports NMED in the request for an accurate inventory of all TRUM waste awaiting clean-up across the United States that would be emplaced at WIPP. Ecology also agrees that transparency and a full accounting of TRUM waste is needed to allow state and federal agencies to efficiently manage the process of treatment and disposal. The effective clean-up of mixed waste is a colossal nation-wide project that can only be successful with cooperation among the states.

Ecology seeks to aid both NMED and USDOE in this endeavor, and we therefore submit the current accounting of the Hanford TRUM waste as outlined in the legally binding agreement entered by Ecology, USDOE, and United States Environmental Protection Agency. *The Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement)* aims to achieve compliance with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) remedial action provisions and RCRA requirements.

Within the *Tri Party Agreement Attachment 2: Action Plan*, USDOE has entered a compliance schedule under [Appendix D - Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency](#), specifically to complete some of the following under the M-091-00 Milestone Series:

- M-091-00, Complete the treatment to Land Disposal Restriction (LDR) treatment standards for all Hanford Site RCRA Mixed Low-Level Waste (MLLW) and TRUM waste (in above ground storage as of June 30, 2009 and in retrievable storage) by September 30, 2050.
- M-091-48, Complete the offsite shipment of all TRUM waste (in above ground storage as of June 30, 2009 and in retrievable storage) by September 30, 2050.

Within the M-091-00 milestone series USDOE is required to update the *M-091 Transuranic Mixed and Mixed Low-Level Waste Project Management Plan HNF-19169, Revision 24* (Enclosure). The project management plan identifies the following TRUM waste at the Hanford Site:

- 2,682 m³ of retrievably stored waste remaining to be retrieved from Low Level Burial Grounds 218-E-12B, 218-W-3A, 218-W-4B, and 218-W-4C. The M-091 Project Management Plan states the retrievals will restart in 2031 and be completed in 2037.
- 3,766 m³ of TRUM waste made certifiable as of March 30, 2022 in above ground storage.
- ~5000 m³ of TRUM waste requiring to be processed into certifiable containers as of Fiscal Year 2022. The processing of TRUM waste in above ground storage is planned to be completed by Fiscal Year 2047.
- Section 7 *TRU and TRUM Waste Generated from CERCLA Cleanup Actions* and *Appendix E Out Year CERCLA Cleanup Actions* provide information on the anticipated volumes of TRU or TRUM waste from CERCLA cleanup actions.

Ecology again requests USDOE and NMED ensure all necessary conditions are met to avoid closure of WIPP earlier than anticipated, which would support USDOE's legal obligations regarding the management and disposal of TRUM waste that is currently on the Hanford Site.

Ricardo Maestas, WIPP Group Staff Manager
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Ecology thanks you for this opportunity to provide public comment on the proposed permit changes and looks forward to collaborating with NMED in the future.

If there are any questions, please contact Edward Holbrook, Waste Management Section Manager, at edward.holbrook@ecy.wa.gov or (509) 940-7619 or Debra Alexander, Tri-Party Agreement M-091 Project Manager, at debra.alexander@ecy.wa.gov or (509) 212-3505.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Holbrook', with a red checkmark or flourish at the end.

Edward Holbrook
Waste Management Section Manager
Nuclear Waste Program

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Enclosure: HNF-19169, dated May 2022, *M-091 Transuranic Mixed and Mixed Low-Level Waste Project Management Plan, Revision 24*

cc electronic w/enc:

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