



**DRAFT RESOURCE CONSERVATION RECOVERY ACT PART B
PERMIT FOR THE WASTE ISOLATION PILOT PLANT**

The Idaho National Engineering and Environmental Laboratory (INEEL) Citizens Advisory Board (CAB) reviewed the Draft Resource Conservation and Recovery Act (RCRA) Part B Permit prepared by the State of New Mexico Environment Department (NMED) for the Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico. It is our understanding that the Draft Permit was issued based on a RCRA Part B Permit Application submitted by the Department of Energy (DOE) and the Westinghouse Electric Company to the NMED. The Draft RCRA Part B Permit for WIPP prepared by NMED proposes requirements that are significantly more stringent than the federal regulations adopted by the U.S. Environmental Protection Agency (EPA) pursuant to RCRA. The proposed requirements would impose millions of dollars in additional costs on all generator/storage sites that plan to ship transuranic (TRU) mixed waste to WIPP, increase worker safety concerns, and cause significant delays to the overall WIPP program.

The proposed requirements that are of particular concern to the INEEL CAB include the following:

1. The proposed requirements for chemical characterization of wastes would greatly increase the requirements for handling of waste, thereby increasing worker exposure and risks to worker health and safety. The proposed requirements would also add to the costs of management of the TRU Waste Program at the INEEL.
2. The proposed requirement for certification of each generator site by NMED would generate additional paper work for NMED and each generator. As you know, the State of Idaho is authorized by the EPA to regulate the hazardous waste management program within the State of Idaho in compliance with RCRA.
3. The proposed prohibition on receipt of containers with any free liquids will result in significant repackaging efforts. There appears to be a conflict within the draft permit with regard to the acceptability of free liquids in containers.
4. The proposed requirement for certification of container life in excess of twenty years from the date of certification does not appear to be justified for legacy waste drums. Implementation of the requirement would require over-packing the existing drums, resulting in decreased shipping efficiency and increased costs.
5. The proposed requirements for documentation would result in an estimated 900 pages of hard copy (as electronic transmission of documentation would not be allowed) per barrel at the INEEL. This would translate into an additional 1,000,000 pages of documentation per year—a records management nightmare for the NMED with attendant costs.
6. The proposed requirements would result in significant delays in waste shipments from the INEEL to WIPP. Those delays will make it impossible for DOE to meet milestones in the Idaho Settlement Agreement (signed by the State of Idaho, DOE, and the U.S. Navy). We all have an interest in minimizing the delay in shipments to WIPP to the extent possible.

We note that the proposed additional requirements are not supported in the draft permit by measurable benefits to the environment or reductions in risks to worker health and safety.

As members of the INEEL CAB, we have objected on numerous occasions to the frivolous use of federal funds and to increasing health risks without demonstrable benefit.