

*Continued from page 10*

study was to analyze long-term performance of the underground repository based on information obtained after



A Record of Decision in 1998 selected transportation by truck. Transportation by rail remains an option for the future.

1990. The DOE would also study the expected effects of disposal operations at sites that prepare and ship wastes to the WIPP and would complete an environmental study of the proposed transportation system.

In a 1998 Record of Decision, the DOE decided to dispose of its defense-generated transuranic waste at the WIPP after the material is prepared to meet waste acceptance criteria. The Department also decided to transport the waste by truck, although rail transportation might be used in the future. These decisions were based upon the *Waste Isolation Pilot Plant Disposal Phase Final Supplemental Environmental Impact Statement*, completed in September 1997. That study evaluated waste treatment, disposal, and transportation alternatives.

Compliance with the National Environmental Policy Act has been an important part of decision-making at the WIPP. The DOE considered these

environmental studies, along with other important regulatory and policy requirements, at critical junctures of the repository's development.

### The Resource Conservation and Recovery Act

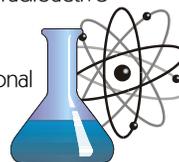
Congress passed the Resource Conservation and Recovery Act (RCRA) in 1976 to establish requirements for the management of hazardous waste. Much of the waste to be disposed of at the WIPP is mixed waste, meaning that it contains both hazardous and radioactive components. Therefore, the WIPP must comply with RCRA to dispose of mixed waste. The EPA delegated its RCRA authority to the New Mexico Environment Department, which enforces RCRA in the state of New Mexico through the Hazardous Waste Act.

The RCRA permit application consists of Part A and Part B. Part A is a standard form that identifies the types and quantities of waste intended to be disposed of at the site.

Timely submission of a Part A application and notification of hazardous waste activities usually qualify owners and operators of existing hazardous waste management facilities for "interim status." A facility with interim status is treated as having been issued a permit until the EPA or an authorized

**October 30, 1992**  
President Bush signs into law the WIPP Land Withdrawal Act, designating the EPA as the WIPP's primary regulator.

**October 21, 1993**  
DOE moves radioactive waste tests planned for WIPP to national laboratories.



**December 9, 1993**  
DOE creates the Carlsbad Area Office to manage the National Transuranic Waste Program and the WIPP.

state makes a final determination on the facility's permit application. In 1991, the New Mexico Attorney General and others filed a challenge in court as to whether the WIPP qualified for interim status. The issue was resolved in March 1999 when the U.S. District Court of the District of Columbia ruled that the WIPP qualified for interim status.

Part B of the permit application presents an extensive set of requirements describing how the facility will operate to meet the Act's requirements. Part B includes waste characterization information on the hazardous wastes to be handled at the WIPP, a description of procedures for handling hazardous wastes, security procedures and equipment, and closure and post-closure plans, including groundwater monitoring.

As it evaluated the DOE's application for a hazardous waste permit, the New Mexico Environment Department issued two draft permits, one in May 1998 and the other in November 1998. After considering public comments, it issued a final hazardous waste permit in October 1999.

A standard hazardous waste permit is issued for a fixed term not to exceed 10 years. Several permit renewals will be necessary during the projected 35-year operation of the repository.

### Disposal of non-mixed transuranic waste

When it became clear that the WIPP would not have a hazardous waste permit as early as had been expected, the DOE decided to proceed with non-mixed transuranic waste disposal. Despite its belief that the WIPP had interim status and therefore was legally able to accept mixed waste, the DOE decided to ship only non-mixed waste to the WIPP.

In June 1998, the DOE delayed plans for the first shipments from Los Alamos National Laboratory (LANL) to the WIPP because of New Mexico Environment

Department concerns about the DOE's characterization of the waste and claims by then-New Mexico Attorney General Tom Udall that the 1992 injunction on the WIPP was still in effect.

The first issue was resolved by confirmatory sampling and analysis in accordance with a plan that the New Mexico Environment Department approved. The sampling confirmed

#### Quickfacts: Carlsbad Area Office

- The DOE established the Carlsbad Area Office (CAO) in 1993.
- George E. Dials was the first CAO Manager. Michael McFadden and later Keith Klein each served as Acting CAO Manager after Dials departed in mid-1998.
- The DOE dedicated its new office center in Carlsbad as the Skeen-Whitlock Building in December 1997 to honor U.S. Congressman Joe Skeen and former state legislator Louis Whitlock.
- Energy Secretary Bill Richardson appointed Dr. Inés Triay as CAO Manager in May 1999.

#### December 20, 1993

EPA issues radiation standards for waste containment (40 CFR 191). Criteria for WIPP compliance issued February 9, 1996 (40 CFR 194)

#### May 26, 1995

DOE submits its RCRA Part B permit application to the New Mexico Environment Department.

#### September 23, 1996

President Clinton signs legislation amending the WIPP Land Withdrawal Act.

that the wastes were not mixed and therefore are not regulated under RCRA. The DOE sent the results to the Environment Department, which agreed in December 1998 that the LANL waste was non-mixed. The second issue was resolved in court.

### Court rulings deny request for further delays

After the EPA certified that the WIPP met the standards for disposal of transuranic waste in May 1998, then-New Mexico Attorney General Tom Udall asserted that the lack of a hazardous waste permit from the state of New Mexico and lack of interim status prevented

the WIPP from receiving any waste.

On March 22, 1999, Judge John Garrett Penn of the U.S. District Court of the District of Columbia denied a request for injunctive relief that would have prevented the first shipment of waste to the WIPP.

The Court's March 22, 1999 ruling made several key points:

- The injunction entered in 1992 no longer applied and therefore did

not prevent the shipment of waste from LANL to the WIPP.

- The WIPP has interim status under RCRA.
- The LANL waste is not hazardous waste under RCRA, so even without interim status the DOE could ship it to the WIPP.
- The plaintiffs failed to demonstrate that they had a likelihood of success on the basis of the evidence and the facts introduced.
- The interest of the public would not be served by an injunction.

On March 24, 1999, eight federal judges in three separate courts agreed that the WIPP's opening should not be delayed. The long-awaited first shipment of transuranic waste to the WIPP was now just hours away.

### The fog

The first shipment of waste was scheduled to leave LANL for the WIPP at 12:01 a.m. on Thursday, March 25. Required notifications were made, three TRUPACT-IIIs were loaded, and everything was ready for the first shipment to roll out of the laboratory's gate. Only the weather refused to cooperate. Thick fog reduced visibility along part of the



Each transuranic waste site that ships to the WIPP must first characterize (identify and describe) the waste's physical, chemical, and radiological properties. Real-time radiography is a characterization method that uses x-rays.



**October 26, 1996**  
DOE submits its final Compliance Certification Application to EPA.

**January 22, 1998**  
DOE issues Record of Decision to dispose of transuranic waste at WIPP.

**May 13, 1998**  
EPA certifies the WIPP.



route, causing the DOE to postpone the shipment once again.

The DOE, drivers, and law enforcement personnel remained ready throughout the night in anticipation that the fog would lift and the shipment could proceed. Once the fog did lift, the DOE decided to delay departure by 19 hours so that drivers and law enforcement personnel would be well-rested.

**The first shipment**

The first shipment of transuranic waste to the WIPP left LANL on

March 25 at 7:49 p.m. Los Alamos residents cheered as the truck departed. The truck traveled through the city of Santa Fe after rush hour traffic had ended. Demonstrations against the WIPP in northern New Mexico were peaceful.

The historic first shipment rolled through Carlsbad, New Mexico amidst cheers, flashing lights, and honking horns of support early on March 26. By the time the truck reached the WIPP, it was 4:00 a.m. Despite low temperatures and the early hour, several hundred employees, local officials, and private citizens had gathered to witness the arrival.



The first shipment of transuranic waste arrived at the WIPP in March 1999 from LANL in northern New Mexico.

When the distinctive TRUPACT-IIs on the back of the truck appeared, the crowd erupted into applause, cheers, and whistles. Many had worked toward this moment for years. After WIPP workers completed security and radiological inspections on the containers and the truck carrying them, the truck was allowed through the main gates and to the Waste Handling Building.

**First to ship:**  
**Los Alamos National Laboratory**

LANL has been a leader in noteworthy nuclear events. The lab developed the world's first atomic bomb in the 1940s. Half a century later, LANL was the first to ship waste to the WIPP.

**Location:** Northern New Mexico, 25 miles northwest of Santa Fe

**Size:** 43 square miles

**Transuranic waste volumes (cubic meters):**

*Contact-handled*  
 Stored - 8,255, Projected - 8,544

*Remote-handled*  
 Stored - 101, Projected - 128

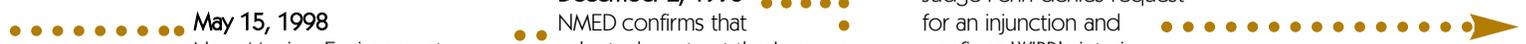
Source: National TRU Waste Management Plan, December 1997.



**May 15, 1998**  
 New Mexico Environment Department issues draft RCRA permit.

**December 2, 1998**  
 NMED confirms that selected waste at the Los Alamos National Laboratory is non-mixed transuranic waste, exempt from RCRA.

**March 22, 1999**  
 Judge Penn denies request for an injunction and confirms WIPP's interim status under RCRA.



Inside the Waste Handling Building, WIPP workers unloaded the first TRUPACT-II and placed its waste in the repository by early afternoon on March 26. Workers unloaded the two remaining TRUPACT-IIs and placed their contents underground on March 30.

Carlsbad Area Office Manager Keith Klein joined the Secretary.

About 1,500 people attended the event. After speeches and a ribbon-cutting ceremony, Congressman Skeen, whose congressional district includes the WIPP, symbolically rode a truck with empty TRUPACT-II containers through the front gate to the Waste Handling Building.

**New Mexico Environment Department issues hazardous waste permit**

On October 27, 1999, the WIPP reached another regulatory milestone when the New Mexico Environment Department issued a long-awaited hazardous waste permit under the Resource Conservation and Recovery Act.

The permit authorizes the DOE to dispose of transuranic waste that is mixed with hazardous constituents, such as solvents and lead. More than half of the waste to be placed in the WIPP is mixed waste.



A ribbon cutting ceremony marked the official opening of the WIPP. Pictured left to right: Carlsbad Mayor Gary Perkowski, U.S. Senator Pete Domenici, Energy Secretary Bill Richardson, U.S. Senator Jeff Bingaman, and Acting Carlsbad Area Office Manager Keith Klein.

**Grand opening**

On April 17, 1999, Energy Secretary Bill Richardson welcomed dignitaries to the grand opening ceremonies at the WIPP. U.S. Senators Pete Domenici and Jeff Bingaman, Congressman Joe Skeen, Carlsbad Mayor Gary Perkowski, and the DOE's Acting



After the ribbon cutting, Congressman Joe Skeen rode a truck with empty TRUPACT-II containers from the front gate to the Waste Handling Building.



**March 25, 1999**  
First shipment of waste departs Los Alamos National Laboratory.



●●●● **March 26, 1999**  
First shipment arrives at the WIPP; first waste placed underground later that day.



**April 17, 1999**  
Energy Secretary Bill Richardson welcomes dignitaries to the WIPP's grand opening.



Hundreds gathered at the WIPP's grand opening ceremony, April 17, 1999.



**April 27, 1999**

First shipment from the Idaho National Engineering and Environmental Laboratory departs for the WIPP. This shipment marks the first out-of-state shipment to the WIPP.

**June 15, 1999**

First shipment from the Rocky Flats Environmental Technology Site departs for the WIPP.

**October 27, 1999**

The New Mexico Environment Department issues a final hazardous waste permit for the WIPP under RCRA authority.

