



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221

SEP 16 2015

Mr. John E. Kieling, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87508-6303

Ms. Kathryn Roberts, Director
Resource Protection Division
New Mexico Environment Department
Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469

Subject: Written Notice Regarding Application of Environmental Protection Agency Hazardous Waste Numbers D001 and D002 to Waste Containers Disposed at the Waste Isolation Pilot Plant

Reference: Los Alamos National Laboratory Correspondence from Charles McMillan, Director, and Kimberly Davis-Lebak, Field Office Manager, Symbol: DIR-15-127, LA-UR: 15-26713 to Ryan Flynn, NMED, dated August 31, 2015; Subject: "Self-Disclosure of Non-Compliances Resulting from the Extent of Condition Review, Los Alamos National Laboratory Hazardous Waste Facility Permit No. NM 0890010515"

Dear Mr. Kieling and Ms. Roberts:

The purpose of this letter is to provide you written notice that the U.S. Department of Energy, Carlsbad Field Office (CBFO) and Nuclear Waste Partnership LLC (NWP), Permittees of the Waste Isolation Pilot Plant (WIPP) facility, Hazardous Waste Facility Permit NM4890139088-TSDF (Permit), are provisionally applying Environmental Protection Agency (EPA) Hazardous Waste Number (code) D001 for the characteristic of ignitability to 192 additional waste containers that have been disposed at the WIPP facility. The Permittees are also provisionally applying the D002 code for the characteristic of corrosivity to 88 of these containers. This is a follow-up to the verbal notification provided to you on September 1, 2015, at approximately 3:45 PM.

The additional codes apply specifically to containers from Los Alamos National Laboratory (LANL) homogeneous solids waste stream LA-CIN01.001 and LANL debris waste stream LA-MHD01.001. One hundred eighty-nine (189) of these containers are located in Panel 6, and three (3) are located in Panel 7. Enclosure 1 contains a listing, by container number, of the containers to which the D001 and D002 codes provisionally apply including their disposal locations and respective shipment numbers.

The application of this code is based on information provided to the Permittees by LANL resulting from the referenced extent of condition evaluation at LANL. LANL applied D001 and D002 to containers pending the outcome of sampling and analysis for nitrates and pH testing. Therefore, the Permittees are also applying D001 and D002 pending the outcome of LANL's sampling, analysis, and testing.

Because the evaluations and investigations are ongoing, the application of the D001 and D002 codes to these containers is considered provisional and may change to include and/or remove containers and/or waste streams in the future. Subsequent to this written notification, the Permittees will provide an additional supplement to the "Report of Implementation of the WIPP RCRA Contingency Plan" and additional information describing the records that will be updated to reflect the application of the D001 and D002 code upon completion of LANL's sampling, analysis, and testing.

In accordance with Item 17 of the New Mexico Environment Department's (NMED) written comments on the WIPP Nitrate Salt Bearing Waste Container Isolation Plan, dated August 5, 2014, the Permittees are required to provide updates regarding the identification of other waste streams or drums that have been identified by WIPP, LANL, NMED, or any other regulatory agency as requiring isolation. Once LANL has completed their evaluations; pursuant with the August 5, 2014 letter, the Permittees will provide the applicable updated information in a separate letter and will include the following: description of the discrepancy, discrepancy resolution, specific location of the currently identified waste containers that have

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the "provisional" assignment of EPA hazardous waste numbers D001 and D002, and discrepant hazardous waste manifests for the affected waste shipments.

The Permittees are continuing to operate the WIPP underground in filtration mode pursuant to the WIPP Nitrate Salt Bearing Waste Container Isolation Plan partially approved by the NMED on August 7, 2014, and March 30, 2015, so that an airborne release from any nitrate salt bearing waste containers, should it occur, will not pose a threat to human health or the environment. In addition, the Permittees have installed the initial closures in Panel 6 and have closed Panel 7, Room 7, in accordance with the WIPP Nitrate Salt Bearing Waste Container Isolation Plan. The Permittees have evaluated the referenced LANL extent of condition report regarding the provisional addition of the D002 code. LANL states the following: "Corrosivity (D002). The preliminary sample result from the nitrate solution, discussed above, also showed that the liquid was basic (pH of 10.9) and does not meet the pH corrosivity characteristic (D002). However, additional sampling, analysis, and testing is being conducted to fully evaluate the free liquid for the corrosivity characteristic (D002)." Based on the statement that the containers have not been shown to contain corrosive waste pursuant to 40 CFR 262.22 and the fact that the containers disposed of in the WIPP facility meet the Permit requirement regarding observable liquids (i.e., less than one percent observable liquids), the Permittees believe that there is no impact on the initial closure in Panel 6 or the Panel 7, Room 7, closures or pose a threat to human health or the environment.

We certify under penalty of law that this document and all attachments were prepared under our direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on our inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of our knowledge and belief, true, accurate, and complete. We are aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

If you have any questions, please contact Mr. George T. Basabilvazo at (575) 234-7488.

Sincerely,

Original Signatures on File

Dana C. Bryson, Acting Manager
Carlsbad Field Office

Philip J. Breidenbach, Project Manager
Nuclear Waste Partnership LLC

Enclosure

cc: w/enclosure
R. Maestas, NMED *ED
C. Smith, NMED ED
S. Holmes, NMED ED
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*ED denotes electronic distribution