



SOUTHWEST RESEARCH AND INFORMATION CENTER

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June 20, 2017

Butch Tongate, Secretary
New Mexico Environment Department (NMED)
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

VIA EMAIL AND FAX – 505/827-2836

RE: WIPP Class 1 Permit Modification – Item 9:
Update the Underground Ventilation System Description in Attachment A2

Dear Secretary Tongate,

Southwest Research and Information Center (SRIC) strongly objects to Item 9 of the Class 1 Permit Modification submitted by the permittees on June 14, 2017, according to the Information Repository posting on the WIPP website, and incorporated into the revised version of the Searchable WIPP Permit.

The Item 9 is not a proper Class 1 modification under the Hazardous Waste regulations, and it is substantively a very significant change in operations of the facility in adding the Supplemental Ventilation System (SVS) to the Permit.

Pursuant to 20 NMAC 4.1.900 (incorporating 40 CFR 270.42(a)(1)(iii)) and NMED's historic practices, SRIC requests that you review and reject the class 1 modification. Alternatively, as was done with the April 27, 2017 modification request, the permittees can withdraw that Item 9.

Brief History of Supplemental Ventilation System (SVS)

From its original design in the 1980s, WIPP's ventilation system includes only surface fans that pull air into the mine, primarily through the Air Intake Shaft, exits the mine through one Exhaust Shaft, and is released into the surface environment in unfiltered or filtration modes. WIPP has operated in that way since the Permit was issued in 1999.

The concept of the SVS was introduced by the WIPP Recovery Plan of September 30, 2014 (pages iv and 20). <http://www.wipp.energy.gov/Special/WIPP%20Recovery%20Plan.pdf>. The permittees notified NMED of the SVS in a Planned Change notification on April 22, 2015. http://www.wipp.energy.gov/library/Information_Repository_A/Notification_of_Planned_Changes/15-1448_letter_Notification_of_Planned_Change_to_the_Permitted_Facility_Hazardous_Waste_Facility.pdf. But the permittees have provided remarkably little information about how the SVS would affect the overall ventilation and other operations of WIPP.

NMED must Review and Reject the Modification

It is totally inappropriate to modify such long-standing and significant operational and health and safety provisions of the Permit as a Class 1 modification item. The regulations provide:

“Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment.” 40 CFR 270.42(d)(2)(i).

The modification Item 9 is not “minor.” The SVS system is a significant change from historic design and operations of WIPP that relate to worker and public health and safety and protection of the environment. With SVS, there would be for the first time an underground fan and a second exhaust shaft – the Salt Handling Shaft. Those changes significantly affect (and complicate) operations of the underground. There should be a detailed discussion of whether SVS can work as designed in case of fire, explosions, and other events to prevent releases through the unfiltered Salt Handling Shaft, as proposed on revised Permit page A-36.

The SVS also should require additional personnel training, underground maintenance activities, and inspections. The SVS could affect underground traffic patterns and certainly affects evacuation routes. These issues are not discussed in the Item 9 submission.

The submitted Item 9 is not limited to “Attachment A2,” as stated in the cover letter. The Item 9 itself includes a change to Attachment G2. In addition, SRIC believes that other provisions of the Permit must be modified to include the SVS, which have not been included in Item 9.

For example, the SVS system affects evacuation procedures and routes and should be discussed in Attachment D and included in Figure D-4. As the Defense Nuclear Facility Safety Board noted as early as September 2015, when the SVS is functioning, emergency underground egress through the salt shaft will no longer be possible as the SVS exhausts out this shaft.

https://www.dnfsb.gov/sites/default/files/document/9183/mr_20150930_122.pdf

This important issue is not discussed in the Item 9 request, even though it has such significant implications for operations and the Contingency Plan.

The SVS system, including the fan, should be included in inspections in Table E-1. The underground ventilation system operates differently with the SVS, both in having a separate air flow circuit and by allowing, in some circumstances, the SVS air flow to be combined with the waste disposal air flow and flow through the Exhaust Shaft. Thus, there should be specific discussion in Attachment O on how the SVS is incorporated into the Mine Ventilation flow monitoring and the Test and Balance process. The frequency of the Test and Balance process should be revised from the existing 12- to 18-month interval (Attachment O-3a(2)), which appears to not be adequate, to include pre-use of SVS and again when SVS is operational.

Public comment may identify additional provisions of the Permit that should be changed to incorporate the SVS. This is another reason that Item 9 is not a proper class 1 modification.

Of course, instead of the class 1, the permittees may submit a class 2 or class 3 modification request to justify such a significant change in the Permit, including establishing that it is needed. But such a request would be – and must be because of the substantial change requested – subject to public comment. In the meantime, the permittees should not be allowed to implement the class 1 modification Item 9.

The alternative to NMED rejecting Item 9 would be for the permittees to withdraw that Item, similar to their withdrawal on May 12 of the class 1 modification submitted on April 27, 2017, related to Part 3, Table 3.1.1, and Attachment A1.

SRIC again points out that we have frequently requested that the permittees discuss proposed permit modifications prior to their submission. If the permittees had provided a draft of the proposed class 1 request, SRIC's objections would have been noted in advance, and the modification Item might not have been submitted. By the permittees submitting the class 1 modification, the burden is, inappropriately, on SRIC and other members of the public to regularly observe that the permittees are submitting improperly classified permit modifications.

Therefore, in addition to rejecting the Class 1 modification, SRIC would again request that NMED ask the permittees to, at a minimum, provide a publicly available list of planned proposed modifications. Preferably NMED should also ask the permittees to also hold pre-submittal type meetings to review and discuss plans for proposed modifications before they are submitted to NMED.

Thank you very much for your careful consideration of, and your response to, these and any other comments. Please advise me of your actions in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Hancock". The signature is fluid and cursive, with the first name "Don" being more prominent than the last name "Hancock".

Don Hancock

cc: John Kieling
Ricardo Maestas