

Waste Isolation Pilot Plant Biennial Environmental Compliance Report DOE/WIPP 06-2171

1.0 INTRODUCTION

This Biennial Environmental Compliance Report (BECR) documents compliance with environmental regulations at the Waste Isolation Pilot Plant (WIPP), a facility designed and authorized for the safe disposal of transuranic (TRU) radioactive waste.¹ This BECR covers the reporting period from April 1, 2004, to March 31, 2006. As required by the WIPP Land Withdrawal Act (LWA) (Public Law [Pub. L.] 102-579, as amended by Pub. L. 104-201), the BECR documents United States (U.S.) Department of Energy (DOE) compliance with regulations and permits issued pursuant to the following:

- Title 40 *Code of Federal Regulations* (CFR) Part 191, Subpart A, "Environmental Standards for Management and Storage"
- Clean Air Act (CAA) (42 *United States Code* [U.S.C.] §7401, et seq.)
- Solid Waste Disposal Act (SWDA) (42 U.S.C. §§6901-6992, et seq.)
- Safe Drinking Water Act (SDWA) (42 U.S.C. §§300f, et seq.)
- Toxic Substances Control Act (TSCA) (15 U.S.C. §§2601, et seq.)
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. §§9601, et seq.)

and all other federal and state of New Mexico laws pertaining to public health and safety or the environment.

1.1 Compliance Issues Identified During This Reporting Period

During the current reporting period, the New Mexico Environment Department (NMED) issued Compliance Order No. HWB 04-07, alleging that certain drums of waste shipped to WIPP from the Idaho National Engineering and Environmental Laboratory did not satisfy all conditions of the WIPP Hazardous Waste Facility Permit. The DOE and Washington TRU Solutions LLC (WTS) resolved the Compliance Order via a Settlement Agreement executed on February 11, 2005.

On June 3, 2004, the DOE verbally reported a release due to a sewer line that was damaged. Based on the NMED recommendation, the area was sanitized with sodium hypochlorite. A follow-up corrective action report was submitted on June 8, 2004.

¹The Atomic Energy Act (AEA) defined "transuranic waste" as

. . . material contaminated with elements that have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, and that are in concentrations greater than 10 nanocuries per gram, or in such other concentrations as the Nuclear Regulatory Commission may prescribe to protect the public health and safety (AEA, §11[ee]).