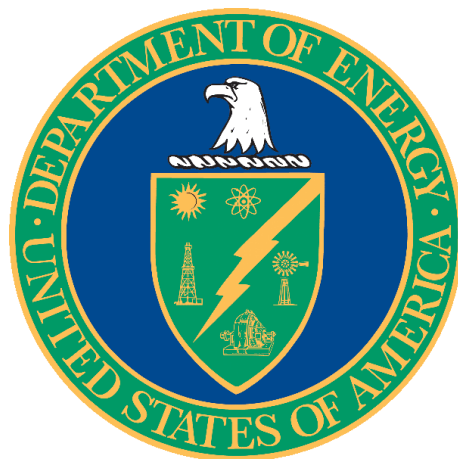


Waste Isolation Pilot Plant Environmental Notification or Reporting Implementation Plan

Revision 7

U.S. Department of Energy

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**Waste Isolation Pilot Plant
Environmental Notification or Reporting Implementation Plan
DOE/WIPP-99-2286, Rev. 7**

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CHANGE HISTORY SUMMARY

Revision No.	Date Issued	Description of Changes
5	12/29/10	Changes made throughout document to update CBFO organizations and all references to the new HWFP.
6	08/02/11	<p>New document title: "Waste Isolation Pilot Plant Environmental Notification or Reporting Implementation Plan."</p> <p>Changes made in this revision differentiate between reports and notifications, and to update organization names in main document and Appendix A.</p> <p>Updated Acronyms list to include DP & EHS, and deleted several acronyms not used in document or attachment.</p> <p>Added 20.7.10.600 NMAC to References section.</p>
7		<p>Global editorial changes</p> <p>Revised the Acronyms list</p> <p>Added a statement to Section 1.0 on Quality Assurance In section 3.1 deleted a list of 9 bullets listing the information provided in Appendix A. The deleted information is redundant as it is listed in the headings of the Appendix A spreadsheet.</p> <p>Changed the title of section 3.3.1, to better describe the contents of the section.</p> <p>Rewrote Section 4.0 Records, to clarify how records are handled.</p> <p>Updated references</p> <p>Appendix A was revised to include changes made to DOE Orders, Permit changes, Reviewing Organization changes, Address Changes and to add new reports/notification that were not listed in earlier revision of this document.</p>

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ACRONYMS AND ABBREVIATIONS

AOC	area of concern
ASER	Annual Site Environmental Report
CBFO	Carlsbad Field Office
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	<i>Code of Federal Regulations</i>
CTAC	CBFO Technical Assistance Contractor
DMP	detection monitoring program
DMW	detection monitoring well
DOE	U.S. Department of Energy
DP	Discharge Permit
EPA	U.S. Environmental Protection Agency
EHS	extremely hazardous substance
HWFP	Hazardous Waste Facility Permit
HWDU	hazardous waste disposal unit
LANL	Los Alamos National Laboratory
LEPC	Local Emergency Planning Committee
LWA	Land Withdrawal Act
MOC	Management and Operating Contractor
MSDS	material safety data sheet
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMHWHA	New Mexico Hazardous Waste Act
PCB	polychlorinated biphenyl
QAPD	Quality Assurance Program Document
RCRA	Resource Conservation and Recovery Act
RIDS	records inventory and disposition schedule
RQ	reportable quantity
SA	Scientific Advisor
SERC	State Emergency Response Commission
TSCA	Toxic Substance Control Act
TRU	transuranic

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UST	underground storage tank
VOC	volatile organic compound
WAP	Waste Analysis Plan
WIPP	Waste Isolation Pilot Plant

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1.0 INTRODUCTION

Environmental protection programs that apply to the Waste Isolation Pilot Plant (WIPP) include many requirements related to notification or reporting. In addition, the U.S. Department of Energy (DOE) has entered into agreements and is subject to DOE Orders that include reporting requirements. The DOE is obligated to notify or report on various aspects of the project on a routine basis and non-routinely in the event that thresholds for unexpected or "off-normal" conditions are exceeded.

This reporting implementation plan is a management tool designed to assist the DOE Carlsbad Field Office (CBFO) in identifying notification or reporting requirements originating from environmental compliance programs. This Environmental Notification or Reporting Implementation Plan is to only be used to identify the origin of the appropriate regulatory requirements. Those appropriate regulatory requirements must always be used when actually making a notification or report. Notification or reporting requirements addressed in this plan are specified in the following sources:

- The WIPP Land Withdrawal Act (LWA)
- The Nuclear Waste Policy Act
- The Resource Conservation and Recovery Act (RCRA), as implemented by State of New Mexico regulations and WIPP Hazardous Waste Facility Permit
- The Toxic Substances Control Act (TSCA)
- The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- The Clean Air Act
- The Clean Water Act
- The Safe Drinking Water Act
- Relevant DOE Orders
- The Consultation and Cooperation Agreement with the State of New Mexico

This plan has several objectives:

- To identify notification or reporting requirements necessary to comply with applicable laws, regulations, DOE Orders, agreements, and commitments (provided in Appendix A).
- To identify the WIPP Project organization responsible for the preparation, review, and publication of notifications or reports to meet the requirement or commitment (provided in Appendix A).

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- To provide information on notification or report due dates and recurrence cycles (provided in Appendix A).
- To describe a process for managing the notification or reporting function (provided in section 3.0).

The relevant notification or reporting requirements and commitments are summarized in section 2.0. The process for managing these functions is described in section 3.0. Records are addressed in section 4.0.

The CBFO Quality Assurance Program Document (QAPD) (DOE/CBFO 94-1012) establishes management requirements, such as documents and records; and requirements related to sampling and monitoring activities required for notification/reporting.

Environmental data is gathered and notification/reporting performed in accordance with the CBFO QAPD which adheres to a quality assurance program that implements:

- ASME NQA-1-1989 edition, Quality Assurance Program Requirements for Nuclear Facilities
- ASME NQA-2-1989 edition, Quality Assurance Requirements for Nuclear Facilities Applications. ASME NQA-2a-1990 addenda, part 2.7, Quality Assurance Requirements of Computer Software for Nuclear Facility Applications
- ASME NQA-3-1989 edition, Quality Assurance Program Requirements for the Collection of Scientific and Technical Information for Site Characterization of High-Level Nuclear Waste Repositories (excluding Section 2.1[b] and [c], and Section 17.1)

2.0 NOTIFICATION OR REPORTING REQUIREMENTS AND COMMITMENTS

The notification or reporting requirements and commitments applicable to WIPP and originating in the regulatory programs and agreements listed in section 1.0 are summarized below.

- The WIPP LWA specifies requirements related to notification or reporting, primarily focused on DOE demonstrations that the project continues to comply with environmental laws, regulations, and permit conditions.
- Consistent with provisions of the Nuclear Waste Policy Act and the WIPP LWA, the U.S. Environmental Protection Agency (EPA) has promulgated one set of standards and one set of certification criteria that apply to WIPP. These are Title 40 *Code of Federal Regulations* (CFR) Part 191, "Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes," and 40 CFR Part 194, "Criteria for the Certification and Re-Certification of the Waste Isolation Pilot

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Plant's Compliance with the 40 CFR Part 191 Disposal Regulations." The Part 194 compliance certification criteria include criteria related to notification or reporting. Also, the DOE has included commitments related to notification or reporting in DOE/CAO-96-2184, *40 CFR 191 Compliance Certification Application for the Waste Isolation Pilot Plant* and the subsequent Compliance Recertification Application, hereafter referred to as the compliance baseline.

- RCRA, as implemented by State of New Mexico regulations at 20.4.1 New Mexico Administrative Code (NMAC), applies to WIPP because the waste disposed in the repository includes regulated hazardous constituents. Also, the management and operation of underground storage tanks (USTs) for petroleum products is addressed under the New Mexico Environment Department (NMED) UST program (20.5 NMAC). Petroleum storage tanks located at WIPP are subject to these requirements. The New Mexico Hazardous Waste Act (NMHWA), including provisions of the Hazardous Waste Facility Permit (HWFP) granted by the State, specifies many requirements related to notification or reporting.
- TSCA provides for the regulation of the management of polychlorinated biphenyls (PCBs). Some of the waste emplaced in WIPP includes PCBs; the EPA has issued the DOE an approval for the disposal of PCB transuranic (TRU) waste and PCB/TRU mixed waste at WIPP. The PCB approval includes notification or reporting requirements.
- Regulations implementing CERCLA include requirements applicable to facility operators who use or manage toxic substances. Several reporting requirements apply to WIPP under the CERCLA program; these are primarily related to notification or reporting inventories of hazardous materials managed at the facility and spills or accidental environmental releases.
- Regulations implementing the Clean Air Act require the CBFO to report emissions of hazardous air pollutants from WIPP. Diesel-fueled generators are located at the WIPP site to provide backup electrical power supply. These generators have an air quality permit that has been granted by the state. This permit includes notification or reporting requirements.
- Under the New Mexico program implementing provisions of the Clean Water Act, the DOE is obligated to report any proposal to construct or modify a sewage system. Also, the DOE has constructed and is operating a sewage treatment facility for WIPP that obligates the DOE to meet notification or reporting requirements.
- Under the New Mexico Groundwater Protection Program, the DOE has obtained Discharge Permit (DP) 831. This permit contains notification or reporting requirements.
- Under provisions of the state program implementing the Safe Drinking Water Act, the DOE must report information pertaining to the quality of tap water

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supplied to the WIPP site. The DOE must also meet the public notification requirements of NMAC 20.7.10.600.

- Three DOE Orders, DOE O 231.1B, *Environment, Safety, and Health Reporting*, DOE O 232.2, *Occurrence Reporting and Processing of Operations Information* and DOE O 451.1B, *National Environmental Policy Act Compliance Program*, include reporting requirements that pertain to WIPP. These focus on notification or reporting of occupational radiation exposures, environmental conditions, and environmental impact assessment and mitigation activities.
- The Consultation and Cooperation Agreement with the State of New Mexico includes DOE commitments to notify or report on several aspects of the project, including environmental data.

3.0 MANAGEMENT OF THE NOTIFICATION OR REPORTING FUNCTION

Routine or regularly scheduled notification and reporting is required throughout the operating period of the project. In addition, when warranted by project changes, off-normal conditions, or emergencies or other unexpected events, it is necessary to prepare and submit unscheduled notifications and reports.

3.1 Notification or Reporting Database

Information related to WIPP environmental notification or reporting is provided in Appendix A, WIPP Environmental Reporting Requirements. The appendix lists both scheduled and unscheduled notifications or reports.

The data presented in Appendix A contribute to managing the environmental notification and reporting function for the WIPP project. Appendix A is available as a Microsoft Office Excel[®] spreadsheet at www.wipp.energy.gov/library/WRES/implementationPlan.html.

3.2 Scheduled Notifications or Reports

Regularly scheduled reports will be submitted by the originating Management and Operating Contractor (MOC) and the Scientific Advisor (SA) organizations to the appropriate CBFO staff. The CBFO staff will review the submitted notifications or reports; provide any review comments to the originating group, and forward final reports to the CBFO Manager for submittal to the appropriate external entity.

3.3 Unscheduled Notifications or Reports

Unscheduled notification or reporting will be nonroutine and will involve decision making regarding the significance of planned or unplanned changes or new information. In addition, when changes occur or new information is developed, it will be necessary to determine the urgency for notifying or reporting the change or new information. Potential unscheduled notifications or reports are listed in Appendix A.

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3.3.1 Internal Notification or Reporting and Assessment of Planned and Unplanned Changes or New Information

Information flow within the project will be managed to ensure that proposals for changes and important new information is communicated to the appropriate individuals and groups. The CBFO will designate a central point of contact (currently the Environmental Protection Division Director) for internal communication of planned and unplanned changes or new information, the assessment of the significance of the change or new information, and the communication of relevant information to external parties. The CBFO point of contact is responsible for the following activities:

- **Information Exchange** – Facilitate the exchange of information regarding planned or unplanned changes and new information between the MOC, the SA, and other project participants including the Los Alamos National Laboratory (LANL) and the CBFO Technical Assistance Contractor (CTAC).
- **Review and Assessment of Planned and Unplanned Changes** – Decide whether to approve or disapprove a change and determine if outside approval is necessary (such as the EPA). If a proposed change is approved, the EPA will determine whether the change is significant or nonsignificant. Likewise, if an unplanned change occurs, the CBFO point of contact will assess the significance of the change.
- **Review and Assessment of New Information** – Review new data and associated interpretations to determine whether results are significant and warrant reporting.
- **Internal Reporting** – Report planned and unplanned changes and new information to the CBFO Manager and recommend appropriate external reporting.

3.3.2 Management and Operating Contractor

It is the responsibility of the MOC to develop and implement programs and plans to ensure that the CBFO is fully informed regarding any occurrences or new information warranting notification or reporting.

3.3.3 Scientific Advisor

The SA is also responsible for developing and implementing programs and plans to ensure that the CBFO is fully informed of any planned or unplanned change or new information developed through the activities of the SA organization and warranting notification or reporting

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4.0 RECORDS

Notifications, reports and supporting documentation identified in this plan will be handled, stored and disposition in accordance with the appropriate reference document in Appendix A and the responsible WIPP organization's records inventory and disposition schedule (RIDS).

5.0 REFERENCES

DOE O 231.1B, 2011, *Environment, Safety, and Health Reporting*. U.S. Department of Energy, Washington, D.C.

DOE O 451.1B, 2013, *National Environmental Policy Act Compliance Program*. U.S. Department of Energy, Washington, D.C.

40 CFR Part 191, "Environmental Radiation Protection Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes"; Final Rule. *Code of Federal Regulations*. Office of the Federal Register, National Archives and Records Administration, Washington, D.C.

40 CFR Part 194, "Criteria for the Certification and Re-Certification of the Waste Isolation Pilot Plant's Compliance with the 40 CFR Part 191 Disposal Regulations"; Final Rule. *Code of Federal Regulations*. Office of the Federal Register, National Archives and Records Administration, Washington, D.C.

40 CFR Part 761, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions." *Code of Federal Regulations*. Office of the Federal Register, National Archives and Records Administration, Washington, D.C.

40 CFR ' 761.180, "Records and Monitoring." *Code of Federal Regulations*. Office of the Federal Register, National Archives and Records Administration, Washington, D.C.

Public Law 102-579. Waste Isolation Pilot Plant Land Withdrawal Act. October 1992, as amended October 1996 by Public Law 104-201.

DOE (U.S. Department of Energy) and State of New Mexico. 1981. Consultation and Cooperation Agreement.

DP-831. 2008. WIPP Discharge Permit. New Mexico Environment Department, Santa Fe, NM.

20.2 NMAC. "Air Quality (Statewide)." Title 20, New Mexico Administrative Code. Santa Fe, NM.

20.4.1.500 NMAC. "Adoption of 40 CFR Part 264." Title 20, New Mexico Administrative Code. Santa Fe, NM.

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20.5 NMAC. "Petroleum Storage Tanks." Title 20, New Mexico Administrative Code. Santa Fe, NM.

20.6.2 NMAC. "Ground and Surface Water Protection." Title 20, New Mexico Administrative Code. Santa Fe, NM.

20.7.10.600 NMAC. "Public Notification." Title 20, New Mexico Administrative Code. Santa Fe, NM.

DOE, 1995. Transmittal Letter and Memorandum of Understanding Between the U.S. Environmental Protection Agency and the U.S. Department of Energy Concerning the Clean Air Act Emission Standards for Radionuclides 40 CFR Part 61, Including Subparts H, I, Q, and T. Transmittal Letter from R. Berube, Deputy Assistant Secretary for Environment, to E. Ramona Travato, Director, Office of Radiation and Indoor Air, Environmental Protection Agency, May 16.

DOE/CAO-96-2184. 1996. *40 CFR 191 Compliance Certification Application for the Waste Isolation Pilot Plant*. U.S. Department of Energy, Carlsbad Field Office, Carlsbad, NM.

DOE/CBFO-94-1012, *Quality Assurance Program Document*. U.S. Department of Energy, Carlsbad Field Office, Carlsbad, NM.

DOE/WIPP-04-3231, *Title 40 CFR Part 191 Compliance Recertification Application for the Waste Isolation Pilot Plant* (March). 10 Vols. Carlsbad, NM. Carlsbad Field Office. U.S. Department of Energy, Carlsbad Field Office, Carlsbad, NM.

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