

ATTACHMENT ~~J~~H
POST-CLOSURE PLAN

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POST-CLOSURE PLAN
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1 increasing ventilation to areas that show high levels of harmful gases are specified as described
2 in Permit Attachment ~~F~~ D.

3 These monitoring programs will be carried out during the period between the closure of the first
4 panel and the initiation of final facility closure for the underground facility. The Permittees have
5 prepared a Volatile Organic Compound Monitoring Plan (**VOCMP**) which will be implemented to
6 confirm that the annual average concentration of volatile organic compounds (**VOCs**) in the air
7 emissions from the underground HWDUs do not exceed the VOC concentrations of concern
8 listed in ~~Module IV Permit Part 5-4~~ and Permit Attachment N, Table N-3.1. The VOCMP is
9 provided in Attachment N. The VOCMP includes monitoring design, sampling and analysis
10 procedures and quality assurance objectives. This plan is required to demonstrate compliance
11 with 20.4.1.500 and .900 NMAC (incorporating 40 CFR §264.602 and §270.23(a)(2)).

12 The Permittees will collect air samples upstream of all open and closed panels, and down
13 stream of Panel 1 ~~beginning just prior to waste emplacement and proceeding~~ until after
14 certification of the closure of the last underground HWDU.

15 The VOCMP uses EPA Compendium Method TO-15. The Permittees have had success with
16 TO-15 at the WIPP if care is taken in placing the sampler to avoid high dust and if stringent
17 cleaning requirements are imposed for the clean canisters. This is necessary because of the
18 extremely low concentrations that are being monitored. ~~The Permittees are evaluating the use~~
19 ~~of the Fourier Transform Infra-Red (FTIR) technique for monitoring VOCs at WIPP. This method~~
20 ~~is being used successfully at other locations and has recently been approved by the EPA for~~
21 ~~measuring the concentration of VOCs in the headspace gases of drums of TRU waste. If FTIR~~
22 ~~becomes viable, the monitoring plan will be revised and the revisions will be submitted to the~~
23 ~~NMED for approval prior to implementation.~~

24 The VOCMP will be implemented under a Quality Assurance Plan that conforms to the
25 document entitled "EPA Requirements for Quality Assurance Project Plans for Environmental
26 Data Operations". Quality Assurance criteria required for the target analytes are presented in
27 Table N-4 in Permit Attachment N. Definitions of these criteria are given in Permit Attachment N
28 along with a discussion of other requirements of the Quality Assurance Program including
29 sample handling, calibration, analytical procedures, data reduction, validation and reporting,
30 performance and system audits, preventive maintenance, and corrective actions.

31 ~~J~~H-1a Post-Closure Plan after Final Facility Closure

32 A number of regulations deal with the period of time that begins once the WIPP has undergone
33 final facility closure and decommissioning. Under 40 CFR Part 191, the period consists of an
34 active control period and a passive control period; only ~~one hundred (100)~~ years of the active
35 control period can be used in performance assessment. The Land Withdrawal Act (LWA) of
36 1992 requires that the U.S. Department of Energy (DOE) prepare and submit a post-
37 decommissioning land management plan. 20.4.1.500 NMAC (incorporating 40 CFR §264.117)
38 requires post-closure care, including monitoring, security, and control of property use. Because
39 of the numerous regulations, the Permittees have prepared a single strategy for post-closure
40 management of the WIPP. This strategy consists of three elements: 1) active controls, 2)
41 monitoring, and 3) passive controls. Only the first and second elements occur within the post-
42 closure period covered by this permit.

1 JH-1a(1) Active Institutional Controls

2 Once a facility is decommissioned, positive actions (referred to as “active institutional controls”)
3 will be taken to assure proper maintenance and monitoring. The EPA, in 40 CFR §191.14(a)
4 has specified that active controls will be maintained for as long as practicable and that no more
5 than ~~one hundred (100)~~ years of active institutional control can be assumed in predictions of
6 long-term performance. This assumption assures that future protection and control does not rely
7 on positive actions by future generations.

8 The Permittees’ active institutional control program has a primary objective of addressing all
9 applicable requirements, including restoring the WIPP site as nearly as possible to its original
10 condition, and thereby equalizing any preference over other areas for development by humans
11 in the future. Restoration of the WIPP site includes any necessary remedial actions or cleanup
12 of releases resulting from decommissioning. In addition, as part of the active institutional control
13 program implemented under 40 CFR §194.14(a), the Permittees will implement monitoring
14 systems suitable for assessing disposal system performance if such monitoring is feasible.

15 The Permittees will implement the active institutional control program as described in more
16 detail below:

17 Identification of Active Institutional Control Measures

18 A detailed explanation of the active institutional controls selected by the Permittees as part of
19 this first step is provided in Permit Attachment-~~JH~~1 (WIPP Active Institutional Controls). This is
20 the Permittees’ reference design for active institutional controls. The reference design will be
21 reviewed periodically and updated by the Permittees as appropriate during WIPP disposal
22 operations. The ongoing review and evaluation ensure that the active institutional controls
23 implemented are appropriate for the conditions that may exist at that time. The Permittees will
24 review the reference design prior to implementation and all affected regulatory agencies will be
25 consulted as part of this review. If updating the reference design proposes any changes in the
26 Post-Closure Plan as described in this permit, the Permittees shall apply for a permit
27 modification to include those changes, or submit the reference design and revised Post-Closure
28 Plan as part of a routine permit renewal application, as required by 20.4.1.500 NMAC
29 (incorporating 40 CFR §264.118(d)).

30 As part of the active institutional controls program, the Permittees have developed a set of
31 active institutional controls which will be implemented. These are as follows:

- 32 • A fence line shall be established to control access to the repository’s footprint area (the
33 waste disposal area projected to the surface). A standard wire fence shall be erected
34 along the perimeter of the repository surface footprint. The fence shall have gates
35 placed approximately midway along each of the four sides.
- 36 • An unpaved roadway along the perimeter of the barbed wire fence shall be
37 constructed to provide ready vehicle access to any point around the fenced perimeter,
38 to facilitate inspection and maintenance of the fence line, and to permit visual
39 observation of the repository footprint to the extent permitted by the lay of the land.
40 This roadway shall connect to the paved south access road.

- 1 • To ensure visual notification, the fence line shall be posted with signs having as a
2 minimum, a legend reading “Danger—Unauthorized Personnel Keep Out” and a
3 warning against entering the area without specific permission of the Permittees.
- 4 • Contractual arrangements shall be developed to ensure that periodic inspection and
5 necessary corrective maintenance is conducted on the fence line, its associated
6 warning signs, and the roadway. The Permittees will maintain control over all
7 contractual work and will maintain, in the operating record, the results of all inspections
8 and maintenance activities.
- 9 • Through direct Permittee staffing support and/or contractual arrangements, procedures
10 shall be established to provide routine periodic patrols and surveillances of the
11 protected area by personnel trained in security surveillance and investigation.
- 12 • Mitigating actions will be taken to address any abnormal conditions¹ identified during
13 periodic surveillance and inspections.
- 14 • Reports of activities associated with the post-disposal active access controls shall be
15 prepared in accordance with regulatory requirements for submittal to the appropriate
16 regulatory and legislative authority.

17 Details on meeting these criteria are found in Permit Attachment JH1.

18 Preparation of a Post-Decommissioning Land Management Plan

19 Section 13(b) of the LWA requires the DOE to prepare and submit a plan for managing the land
20 withdrawal area after decommissioning the WIPP facility. This plan will include a description of
21 both the active and passive institutional controls that will be imposed after decommissioning is
22 complete. This plan will be prepared in consultation with the Department of Interior and the state
23 of New Mexico. If the land management plan proposes any changes in the Post-Closure Plan as
24 described in this permit, the Permittees shall apply for a permit modification to include those
25 changes, or submit the land management plan and revised Post-Closure Plan as part of a
26 routine permit renewal application, as required by 20.4.1.500 NMAC (incorporating 40 CFR
27 §264.118(d)).

28 Preparation of the Active Institutional Control Plan

29 An active institutional control plan will be initiated prior to actual plant closure, and will contain
30 all the information needed to implement the active and passive institutional controls for the
31 WIPP facility. Active institutional control planning will be based on the reference design and will
32 take into account the most current information regarding the facility and its vicinity and will make
33 use of state-of-the-art materials and techniques. This plan will include acceptable
34 decontamination levels, sampling and analysis plans, and QA/QC specifications. If such future
35 plan contains provisions different from those in this Post-Closure Plan or Permit Attachment JH
36 H1 (Active Institutional Controls), the Permittees shall submit a request for modification of the
37 Post-Closure Plan and the WIPP Permit. The changes must be approved and made part of the

¹ “Abnormal conditions” include any natural or human-caused conditions which could affect the integrity of Active Institutional controls required by the Permit or which could affect compliance of the WIPP with applicable RCRA standards.

1 revised Permit before the changes are implemented, in accordance with 20.4.1.500 NMAC
2 (incorporating 40 CFR §264.118(d)).

3 Implementation of Active Institutional Control Measures

4 Most of the active institutional control measures, such as long-term site monitoring and site
5 remedial actions, will be implemented simultaneously with facility closure. However, it may be
6 possible to implement some measures earlier. For example, salt disposal may begin prior to
7 final plant closure. Reclamation and restoration of unused disturbed surface areas has already
8 begun. Guarding and maintenance activities, which are already in place, could evolve into an
9 appropriate type of post-closure activity, subject to appropriate modifications of the Permit.

10 JH-1a(2) Monitoring

11 Post-closure groundwater monitoring will involve a continuation of the monitoring plan in Permit
12 Attachment L as described in ~~Module V Permit Part 5~~. The sampling frequency may be changed
13 to **biannually a frequency of every two years** after final facility closure is complete by
14 modification of the Permit as approved by the Secretary of the NMED in accordance with
15 20.4.1.901.B NMAC (incorporating 40 CFR §270.42). In addition, the final target analyte list
16 specified in Permit Attachment L may be changed by permit modification based on final volume
17 of waste.

18 JH-2 Notices Required for Disposal Facilities

19 JH-2a Post-Closure Certification

20 Within **sixty (60)** days of completion of the post-closure care period after final facility closure, the
21 Permittees will submit to the Secretary of the NMED, via registered mail, a certification that
22 post-closure care was performed in accordance with the specifications of the approved post-
23 closure plan. The certification will be signed by the Permittees and by an independent New
24 Mexico registered professional engineer. Documentation supporting the independent registered
25 engineer's certification and a copy of the certification will be furnished to the Secretary of the
26 NMED.

27 JH-2b Post-Closure Notices

28 Within **sixty (60)** days after certification of closure of each underground HWDU or final facility
29 closure, the Permittees will submit to the Secretary of the NMED, and to the Eddy County
30 government or other applicable local government agencies, a record of the type, location, and
31 quantity of hazardous wastes disposed of in each underground HWDU as required in 20.4.1.500
32 NMAC (incorporating 40 CFR §264.119).