



Department of Energy
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JUN 04 2018

Mr. John E. Kieling, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505

Subject: Class 1* Permit Modification Notification to the Waste Isolation Pilot Plant Hazardous Waste Facility Permit Number: NM4890139088-TSDF

Dear Mr. Kieling:

Enclosed is the following Class 1* Permit Modification Notification:

- Revise Closure Schedule in Attachment G, Section G-1d(1) and Table G-1

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 fine and imprisonment for knowing violations.

If you have any questions, please contact Mr. Michael R. Brown at (575) 234-7476.

Sincerely,

Signatures on file

Todd Shrader, Manager
Carlsbad Field Office

Bruce C. Covert, Project Manager
Nuclear Waste Partnership LLC

Enclosure

cc: w/enclosure
R. Maestas, NMED * ED
D. Biswell, NMED ED
M. McLean, NMED ED
H. Tellez, NMED ED
CBFO M&RC
*ED denotes electronic distribution

Class 1* Permit Modification Notification

Revise Closure Schedule in Attachment G, Section G-1d(1) and Table G-1

**Waste Isolation Pilot Plant
Carlsbad, New Mexico**

WIPP Permit Number - NM4890139088-TSDF

June 2018

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Transmittal Letter

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Overview of the Permit Modification Notification

This document contains a Class 1* Permit Modification Notification (**PMN**) requiring prior agency approval for the Waste Isolation Pilot Plant (**WIPP**) Hazardous Waste Facility Permit (**Permit**) Number NM4890139088-TSDF.

This PMN is being submitted by the U.S. Department of Energy (**DOE**) and Nuclear Waste Partnership LLC, collectively referred to as the Permittees, in accordance with Permit Part 1, Section 1.3.1. (20.4.1.900 New Mexico Administrative Code (**NMAC**) incorporating Title 40 of the Code of Federal Regulations (**CFR**) §270.42(a)). The PMN in this document is necessary to notify the New Mexico Environment Department (**NMED**) of a change which impacts the Permit. This change does not reduce the ability of the Permittees to provide continued protection to human health and the environment.

The modification to the Permit and any related supporting documents are provided in this PMN. The proposed modification to the text of the Permit has been identified using **red** text and **double underline** and a ~~strikeout~~ font for deleted information. All direct quotations are indicated by italicized text.

Attachment A
Description of the Class 1* Permit Modification Notification

Table 1. Class 1* Hazardous Waste Facility Permit Modification Notification

Affected Permit Section	Change Description	Category
<p>Attachment G, Section G-1d(1) Attachment G, Table G-1</p>	<p>This PMN proposes revisions to the following sections of the Permit:</p> <ul style="list-style-type: none"> • Permit Attachment G, <i>Closure Plan</i>, Section G-1d(1), <i>Schedule for Panel Closure</i> • Permit Attachment G, <i>Closure Plan</i>, Table G-1, <i>Anticipated Earliest Closure Dates for the Underground HWDUs</i> <p>The Permittees are proposing to modify the text in Permit Attachment G, Section G-1d(1) to reflect a final closure completion date of no later than June 30, 2020, for Panels 1 through 6.</p> <p>The Permittees are also proposing the following changes to dates listed in Permit Attachment G, Table G-1:</p> <ul style="list-style-type: none"> • Panel 6 closure end in June 2020 • Panel 7 operations end in July 2021, closure start in August 2021, and closure end in January 2022 • Panel 8 operations start in July 2021, operations end in August 2024, closure start in September 2024, and closure end in February 2025 <p>The notes to Permit Attachment G, Table G-1, are being proposed for revision as follows:</p> <ul style="list-style-type: none"> • Remove NOTE 1 • Change NOTES 2 and 3 into footnotes "a" and "b" and apply to the "Closure Start" and "Closure End" columns respectively • Change "NOTE 4" to "NOTE 2" • Change "NOTE 5" to "NOTE 1" and change "June 30, 2018" to "June 30, 2020" 	<p>D.1.b</p>

Item 1

Description

This PMN proposes revisions to the following sections of the Permit:

- Permit Attachment G, Closure Plan, Section G-1d(1), Schedule for Panel Closure
- Permit Attachment G, Closure Plan, Table G-1, Anticipated Earliest Closure Dates for the Underground HWDUs

The Permittees are proposing to modify the text in Permit Attachment G, Section G-1d(1) to reflect a final closure completion date of no later than June 30, 2020, for Panels 1 through 6.

The Permittees are also proposing the following changes to dates listed in Permit Attachment G, Table G-1:

- Panel 6 closure end in June 2020
- Panel 7 operations end in July 2021, closure start in August 2021, and closure end in January 2022
- Panel 8 operations start in July 2021, operations end in August 2024, closure start in September 2024, and closure end in February 2025

The notes to Permit Attachment G, Table G-1, are being proposed for revision as follows:

- Remove NOTE 1
- Change NOTES 2 and 3 into footnotes "a" and "b" and apply to the "Closure Start" and "Closure End" columns respectively
- Change "NOTE 4" to "NOTE 2"
- Change "NOTE 5" to "NOTE 1" and change "June 30, 2018" to "June 30, 2020"

Basis

This modification pertains to "Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Director..." and is, therefore, a Class 1* modification pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42, Appendix I, D.1.b).

Discussion

The change to the closure end date for Panel 6 is needed to address delays in closure activities. A Class 3 Permit modification request (PMR) pertaining to the WIPP Panel Closure Plan is currently being processed; therefore, final closure of filled hazardous waste disposal units has been delayed pending a final decision on the Class 3 PMR which proposes a new panel closure design. As a result, the closure end date for Panels 1 through 6 is anticipated to be no later than June 30, 2020.

Revisions to the closure schedule for Panels 7 and 8 are needed to reflect the current anticipated waste-emplacement schedule. Since Panels 9 and 10 have not been permitted as Hazardous Waste Disposal Units, no changes are being proposed to the closure schedule for these panels at this time.

NOTE 1 is being proposed for deletion from Attachment G, Table G-1 to remove outdated information and to simplify the table. It is clear by the name of table that the dates are anticipated therefore there is no reason to include in NOTE 1 that the dates are projected. NOTES 2 and 3 are proposed to be changed into footnotes "a" and "b" and be applied to "Closure Start" and "Closure End" columns respectively to clearly indicate the columns of Table G-1 the information applies to. As currently written in Permit Table G-1 NOTES 2 and 3 are not listed in the table but are standalone notes. As a result of the changes to NOTES 1, 2 and 3, NOTES 4 and 5 are being renumbered and placed in sequential order. The revision to NOTE 5 (now NOTE 1) is needed to reflect the final closure date of June 30, 2020, for Panels 1 through 6. These changes are needed to update the Permit and to make Table G-1 easier to follow.

Proposed Revised Permit Text:

G-1d(1) Schedule for Panel Closure

The Permittees will initially block ventilation through Panel 5 as described in Permit Attachment A2, Section A2-2a(3), "Subsurface Structures," once Panel 5 is full. The Permittees will then install the explosion-isolation wall portion of the panel closure system that is described in Permit Attachment G1, Section 3.3.2, "Explosion- and Construction-Isolation Walls." Construction of the explosion-isolation wall shall be completed within 180 days after the last receipt of waste in Panel 5. Final closure of Panels 1 through 6 will be completed as specified in this Permit no later than June 30, ~~2020~~2018.

To ensure continued protection of human health and the environment, the Permittees will initially block ventilation through Panels 3 through 7 as described in Permit Attachment A2, Section A2-2a(3), after waste disposal in each panel has been completed. The Permittees shall continue VOC monitoring in such panels until final panel closure. If the measured concentration, as confirmed by a second sample, of any VOC in a panel exceeds the 95% action level given in Permit Part 4, Table 4.6.3.2, the Permittees will initiate remedial actions as required by Permit Part 4, Section 4.6.3.3. Regardless of the outcome of disposal room VOC monitoring, final closure of Panels 3 and 4 will be completed as specified in this Permit no later than June 30, ~~2020~~2018.

**Table G-1
Anticipated Earliest Closure Dates for the Underground HWDUs**

HWDU	OPERATIONS START	OPERATIONS END	CLOSURE START ^a	CLOSURE END ^b
PANEL 1	3/99*	3/03*	3/03*	7/03* SEE NOTE 15
PANEL 2	3/03*	10/05*	10/05*	3/06* SEE NOTE 15
PANEL 3	4/05*	2/07*	2/07*	2/07* SEE NOTE 15
PANEL 4	1/07*	5/09*	5/09*	8/09* SEE NOTE 15
PANEL 5	3/09*	7/11*	7/11*	11/11* SEE NOTE 15
PANEL 6	3/11*	1/14*	1/14*	6/18* ²⁰ SEE NOTE 15
PANEL 7	9/13*	6/18 ^{7/21}	7/18 ^{8/21}	3/19 ^{1/22}
PANEL 8	6/18 ^{7/21}	6/20 ^{8/24}	7/20 ^{9/24}	3/24 ^{2/25}
PANEL 9	6/20	1/28	2/28	SEE NOTE 24
PANEL 10	1/28	9/30	10/30	SEE NOTE 24

* Actual month and year

NOTE 1: Only Panels 1 to 4 will be closed under the initial term of this permit. Closure schedules for Panels 5 through 10 are projected assuming new permits will be issued in 2009 and 2019.

NOTE 2:^a The point of closure start is defined as 60 days following notification to the NMED of closure.

NOTE 3:^b The point of closure end is defined as 180 days following placement of final waste in the panel.

NOTE 1: Installation of the 12-foot explosion-isolation wall for Panels 1, 2, and 5 has been completed. Final closure of Panels 1 through 6 will be completed as specified in this Permit no later than June 30, 2020.

NOTE 24: The time to close these areas may be extended depending on the nature and extent of the disturbed rock zone. The excavations that constitute these panels will have been opened for as many as 40 years so that the preparation for closure may take longer than the time allotted in Figure G-2. If this extension is needed, it will be requested as an amendment to the Closure Plan.

NOTE 5: Installation of the 12-foot explosion-isolation wall for Panels 1, 2, and 5 has been completed. Final closure of Panels 1 through 6 will be completed as specified in this Permit no later than June 30, 2018.