



Hearing Clerk
WIPP DRAFT PERMIT
New Mexico Environment Department (NMED)
P. O. Box 26110, Room N-4071
Santa Fe, NM 87502-6110

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It has been national Sierra Club policy that a geologic repository, selected according to rigorous criteria, could eventually be shown to be a safe method of isolating radioactive waste. In our opinion, the Department of Energy's (DOE) burden of proof that the Waste Isolation Pilot Project (WIPP) has properly met the truly rigorous criteria required to protect present and future health and safety of affected populations and the environment still has not been fully demonstrated. Moreover, as we stated in our comments on the Draft Supplemental Environmental Impact Statement (SEIS) II, dated February of 1997, we supported "No Action Alternative 2" which states that DOE would dismantle and close WIPP, leave waste untreated, only treating newly generated waste to meet the Waste Acceptance criteria. Sierra Club's modification to this alternative was that we asked that all waste be treated.

We believe WIPP has not met the "rigorous criteria" that we believe are necessary for safe radioactive waste disposal.

According to studies done by the Southwest Research and Information Center, WIPP IS LESS THAN 2 PERCENT "DISPOSAL SOLUTION". Under DOE's current plan, WIPP is designed to handle less than two percent of the existing volume of the nuclear wastes created by atom bomb production. All of the storage sites that would send wastes to WIPP have larger volumes of wastes that would NOT be shipped to WIPP and for which there is no disposal site. By radioactivity, WIPP would handle about one tenth of a percent of DOE's existing wastes. DOE has stated that WIPP is needed to store Rocky Flats waste; Yet

Rocky Flats officials have stated they can store waste at the Flats safely and indefinitely.

We also believe that DOE has failed to resolve many of the issues we raised in our response to the Draft SEIS-II, such as:

>. **DOE has assumed** in the SEIS-II active institutional control at generator sites storing waste will cease after 100 years. Given the longevity of TRU waste's hazardous life (Plutonium can remain dangerous for 240,000 years), active institutional controls must be planned for a very much longer time period.

>. **DOE's proposed permit for WIPP** is for a 10-year period; the permit would then be reviewed after 5 years, during which time DOE may apply for modifications to the WIPP permit. We are concerned, in the event that WIPP does open, that DOE will seek to expand its permit for WIPP beyond its original intent of TRU waste to allow for additional types of wastes, such as high-level waste. This would not be an acceptable radioactive waste policy or a solution to the nation's radioactive waste dilemma.

>. **Environmental Justice:** Low income minority communities around the United States and the communities surrounding WIPP will be heavily impacted by transportation of wastes to WIPP. Many of the communities along WIPP's proposed shipping route are composed of low income, minority residents who already receive a disproportionate share of exposure to toxic substances.

>. **Geologic Uncertainty of WIPP:** The groundwater system at WIPP, including the Dewey Lake rock formation, is still not completely understood by scientists. Since WIPP is sited in karst, (a geologic formation of underground channels which allow fluids to flow quickly from one area to another), we believe numerous, unidentified pathways exist for contaminant migration. The Draft Hazardous Waste Permit sets the "Point of Compliance" at the outside edge of the waste panels. DOE has asked to set the Point of Compliance at the site boundary, which is another mile out. This is unacceptable. In addition, DOE has made claims that WIPP is a "dry" disposal site; however, a pressurized brine reservoir exists below the disposal area and an aquifer above it. The aquifer feeds the Pecos River, which in turn flows into the Rio Grande. The populations that rely on the Pecos and Rio Grande Rivers for drinking water, agriculture and the far larger populations that consume food crops raised using river water for irrigation, must be taken into account. "High-Level Radioactive Waste Policy" states that sites chosen for deposition of high level wastes "shall provide high geological predictability." The same criteria hold true for disposition of transuranic waste (TRU). We believe that WIPP is a highly unpredictable geologically and should not be used for storage of radioactive wastes.

>. **LDRs:** As we stated in our comments to the Draft SEIS-II, GAO has found that 60% of DOE's stored TRU waste also contains hazardous waste, requiring DOE to comply with RCRA land disposal restrictions (LDRs). The LDRs (land ban) prohibit the disposal of untreated hazardous wastes unless the Agency can clearly state a "no migration" determination. DOE has not done this.

>. **Pollution Prevention:** Generator sites must take responsibility for long-term storage of waste generated in the past and future. Resident communities around each generator site should choose which type of treatment and storage is most appropriate for securing its waste for long-term storage while a permanent solution is finalized. DOE must consider plans for stopping all waste production and implement waste minimization strategies at its facilities.

>. **Real Reason Why DOE Needs WIPP:** To date, DOE has spent approximately \$3 billion on WIPP, but an additional \$29 billion will be needed for the site. We suggest that DOE needs WIPP to secure the nation's nuclear weapons program into the next century. National Sierra Club clearly states: "Sierra Club is opposed to programs that appropriate or expend public funds for any further testing, production or deployment of destabilizing nuclear weapons systems."

>. **Salt water will most likely** corrode the 55 gallon metal drums the waste is packaged in, combine with radioactive waste to form a new biologically hazardous substance(s), one that DOE may be very hard pressed to know how to handle. Sierra Club's policy "Environmentally Hazardous Substances" recognizes the great threat presented by environmentally hazardous substances. These are substances, dispersed through human activity, which:

(a) persist in the environment, become widespread and/or tend to become concentrated in living organisms, and, by their effect on health, reproductive ability or genetic material, or by their effect on environmental processes, present a danger to living organisms including human beings, other than those which are the direct and immediate target of their application, or

(b) combine, act synergistically, or break down in the environment to create substances that meet the above criteria.

The release of any environmentally hazardous substance should be prohibited, unless the environmental benefits clearly outweigh environmental damage. Safety and environmental quality are the primary factors in deciding whether or not to use such a substance. In each case, strict limits to the use of the substance should be established and followed. New or continued application of any material that this suspected to be environmentally hazardous should be stopped immediately pending further investigation.

> **Transportation:** DOE has estimated that 38, 089 truck shipments to WIPP during a 35-year period would result in

...6 deaths ...48 injuries
from 76 transportation accidents

In DOE's "accident free " shipment model three people could die from radiation exposure, even though DOE has stated that rail transport of the waste would result in **10 TIMES LOWER EXPOSURE TO THE PUBLIC AND 100 TIMES LOWER DOSES TO WORKERS THAN TRUCK SHIPMENTS**. In spite of this information, DOE has insisted that truck shipments be the mode of transporting waste to WIPP. This action has environmental justice, public health and safety components that have not resolved by the DOE. DOE does not have the right to add another exposure to those who have not given their consent to be exposed to radiation; this includes children, the elderly, unsuspecting travelers, and WIPP workers.

> **TRUPACT Containers:** Safety issues have never been satisfactorily resolved, especially with collisions of above 35 mph. Sierra Club urges NMED to insist that DOE begin rigorous and repetitive testing in extreme conditions that are more characteristic of "real world" highway and rail conditions, including what are deemed "highly improbable events" by DOE.

> **Waste Stream:** No records were kept of the specific radioactive and hazardous chemical wastes put into the 55 gallon drums destined for WIPP. Explosive and flammable materials when stored together coupled with radioactivity can cause explosions or unintended releases. Since DOE has not fully characterized the waste stream from its facilities, certainly NMED must require DOE to complete this task before issuing a permit.

We thank NMED for allowing us to comment on the important national issue.

Sincerely,

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