



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221
March 19, 2021

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

Subject: Report of Implementation of the *Resource Conservation and Recovery Act Contingency Plan* at the Waste Isolation Pilot Plant Facility on March 4, 2021, Hazardous Waste Facility Permit, Number NM4890139088-TSDF

Dear Mr. Pierard:

The purpose of this letter is to provide you with the enclosed subject report pursuant to Permit Attachment D, Section D-5, *Required Reporting*.

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 regarding this notification, please contact Mr. Michael R. Brown at (575) 706-0072.

Sincerely,

Signatures on File

Reinhard Knerr
Manager
Carlsbad Field Office

Sean Dunagan
President and Project Manager
Nuclear Waste Partnership LLC

Enclosure

cc: w/enclosure
R. Maestas, NMED *ED
N. Barka, NMED ED
D. Biswell, NMED ED
M. McLean, NMED ED
H. Shah, EPA ED
M. Smith, EPA ED

CBFO M&RC

*ED denotes electronic distribution

**Report of Implementation of the
Resource Conservation and Recovery
Act
Contingency Plan
at the Waste Isolation Pilot Plant**

March 4, 2021

Report of Implementation of the RCRA Contingency Plan at the Waste Isolation Pilot Plant Facility (EPA I.D. Number NM4890139088) on March 4, 2021

The purpose of this report is to satisfy the requirement in the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit (Permit) Attachment D, *RCRA Contingency Plan*, Section D-5, *Required Reporting*, to submit a written report of the incident to the New Mexico Environment Department within 15 days of implementing the *RCRA Contingency Plan*. The information required to be included in the report is provided below.

- The name, address, and telephone number of the Owner/Operator

United States Department of Energy, the owner and operator of the WIPP facility, and Nuclear Waste Partnership LLC (NWP), co-operator of the WIPP facility
P.O. Box 3090
34 Louis Whitlock Road
Carlsbad, NM 88221
(575) 234-7300

- The name, address, and telephone number of the facility

Waste Isolation Pilot Plant
P.O. Box 3090
34 Louis Whitlock Road
Carlsbad, NM 88221
(800) 336-9477

- The date, time, and type of incident (e.g., fire, explosion, or release)
 - This incident did not involve a fire, explosion, or release. The WIPP *RCRA Contingency Plan* was implemented as a precautionary measure based on the following information.
 - On March 4, 2021 (Thursday), at approximately 1625, the WIPP *RCRA Contingency Plan* was implemented as a precautionary measure to address some disposed contact-handled (CH) waste containers (55-gallon drums) from LANL waste stream LA-MHD01.001 that were being re-evaluated for compliance with Permit Part 2, Section 2.3.3.2, *Pyrophoric Materials*. The implementation was based on preliminary information received from Los Alamos National Laboratory Triad (LANL-Triad) waste management personnel.

Waste container re-evaluations were initiated by CCP and LANL-Triad to resolve compliance concerns. Verbal notification of planned implementation of the WIPP *RCRA Contingency Plan* was provided to the NMED on March 4, 2021, at approximately 1615. A subsequent message at approximately 1730 confirmed to NMED that the WIPP *RCRA Contingency Plan* had been implemented. Follow up conference calls with the NMED occurred on March 5, 2021 and on March 11, 2021. The NMED was provided information regarding the containers of concern. Finally, the NMED was notified on March 17, 2021 at about 1600 that LANL-Triad provided information to the Permittees confirming that the containers were compliant with the Permit. The NMED was also informed that the Permittees were planning to terminate implementation of the WIPP *RCRA Contingency Plan* based on that information.

- Actions taken:
 - There are no waste handling activities at the WIPP facility, as a maintenance outage was initiated on February 15, 2021.
 - The area affected by the implementation of the *WIPP RCRA Contingency Plan* is Panel 7, S-2180 panel exhaust, and E-300 south of bulkhead 74-B-336. The affected area was evacuated, and personnel access barriers were erected with posted signage identifying “No Entry.”
 - The Permittees’ Nuclear Safety personnel initiated an evaluation to determine if the emplaced waste containers in question posed any additional risks or hazards.
- Although there has been no fire, explosion or a release of hazardous waste or hazardous waste constituents, the *WIPP RCRA Contingency Plan* was implemented as a precautionary measure, pursuant to the first paragraph in Permit Attachment D, Section D-3, *Criteria for Implementation of the RCRA Contingency Plan*.

The provisions of the RCRA Contingency Plan shall be implemented immediately whenever there is a fire, an explosion, or a release of hazardous wastes or hazardous waste constituents that could threaten human health or the environment, or whenever the potential for such an event exists as determined by the RCRA Emergency Coordinator, as required under 20.4.1.500 NMAC (incorporating 40 CFR §264.51(b)).

- The name and quantity of material(s) involved
 - This incident did not result in a fire, explosion, or release; therefore, no materials were involved. Although there was no explosion, fire, or release the waste containers listed in the table below were evaluated by LANL-Triad for compliance. The drums contain waste from LANL TRU mixed waste stream LA-MHD01.001, Mixed Heterogeneous Debris from TA-55.

Shipment Number	Waste Container ID	Emplacement Location
LA200033	LA00000073445	Panel 7, Room 2, Row 30, Column 6
LA200039	LA00000073609	Panel 7, Room 2, Row 22, Column 4

- The extent of injuries, if any
 - No injuries resulted from receipt, storage, handling, and disposal of these drums.
- An assessment of actual or potential hazards to human health or the environment, where this is applicable
 - Because there was no fire, explosion, or release of hazardous waste or hazardous waste constituents there were no actual or potential hazards to assess.

- The estimated quantity and disposition of recovered material that resulted from the incident
 - Because there was no fire, explosion, or release of hazardous waste or hazardous waste constituents there were no materials that required recovery or disposition.
- Any additional information/comments
 - Activities were taken to identify the appropriate actions to restore waste emplacement activities in Panel 7 in the event the containers were determined to be noncompliant. These activities were conducted in two phases.
 - The first phase was to evaluate, and, if required, define interim control and operational restrictions to maintain the affected area in a safe configuration while awaiting additional information.
 - The second phase was to evaluate updated information provided by LANL-Triad.
 - These activities have concluded, and as a result, access restrictions to the affected area were lifted and the Permittees terminated implementation of the *WIPP RCRA Contingency Plan* on March 18, 2021.