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State of New Mexico
ENVIRONMENT DEPARTMENT
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PETER MAGGIORE
SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 20, 2000

Dr. Inés Triay, Manager
Carlsbad Area Office
Department of Energy
P. O. Box 3090
Carlsbad, New Mexico 88221

Mr. Joe Epstein, General Manager
Westinghouse WID
P.O. Box 2078
Carlsbad, NM 88220

**RE: APPROVAL FOR SUBMITTAL OF A SAMPLING AND ANALYSIS PLAN
EPA ID No. NM4890139088**

Dear Dr. Triay and Mr. Epstein:

The Hazardous and Radioactive Materials Bureau (**HRMB**) of the New Mexico Environment Department (**NMED**) has received your letter of April 5, 2000, requesting approval for submittal of a Sampling and Analysis Plan (**SAP**) in lieu of a RCRA Facility Investigation (**RFI**) Work Plan. Specifically, this request sought a letter from HRMB stating that submittal of a SAP for WIPP Solid Waste Management Units and Areas of Concern (**SWMUs/AOCs**) constitutes compliance with the requirements in Permit Condition VII.M.2 and Table VII.1, requirement 4, of the WIPP Hazardous Waste Facility Permit for submittal of an RFI Work Plan.

As your letter pointed out, NMED guidance (*HRMB Standard Operating Procedures Manual, Volume 1 - External*) provides for this type of approach. The NMED guidance document for the Accelerated Corrective Action Approach (**ACAA**) states that "An ACAA... may be used for any... AOC or... SWMU. An accelerated approach is used to replace the standard... RFI Work Plan Report sequence with a more flexible decision-making approach... The ACAA process allows a Facility to exit the schedule contained in the Facility's Hazardous and Solid Waste Amendments (HSWA) module for one or more specific sites and proceed on an accelerated time-frame for these sites." (Section III.C.2, Page 1). Further discussion of Figure 1 in the ACAA guidance document supports the conclusion that submittal of an adequate SAP can effectively substitute for an RFI Work Plan and therefore satisfy the requirements contained in Module VII of the WIPP permit.

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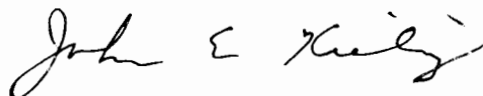


Dr. Triay and Mr. Epstein
Page 2
April 20, 2000

Note that a SAP must be submitted to NMED for review and approval. NMED's review may include a Request for Supplemental Information (RSI) and/or a Notice of Deficiency (NOD). Once NMED has completed this review and approved the SAP, the facility may then proceed with the work described in the SAP as outlined in the accelerated approach.

Therefore, NMED concurs that submittal of an adequate SAP constitutes compliance with the requirements of the WIPP permit in light of the facility proceeding with the Accelerated Corrective Action Approach. If you have any questions about this matter, please contact Mr. Steve Zappe of my staff at (505) 827-1560, x1013.

Sincerely,



John E. Kieling, Acting Manager
Permits Management Program
Hazardous and Radioactive Materials Bureau

cc: James Bearzi, Chief, HRMB
~~WIPP Project Leader, HRMB~~
Susan McMichael, NMED OGC
David Neleigh, EPA Region 6
Connie Walker, TechLaw, Inc.
WIPP File - Red '00