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-SOLID WASTE

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GARY E. JOHNSON
GOVERNOR**ENVIRONMENT DEPARTMENT**

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PETER MAGGIORE
SECRETARYPAUL R. RITZMA
DEPUTY SECRETARY

May 1, 2000

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

Re: Waste Type and Facility Registration Exemption

Dear Dr. Triay:

In response to your letter of November 22, 1999 asking for a determination whether WIPP is required to register as a solid waste facility or operation under the New Mexico Solid Waste Management Regulations, 20 NMAC 9.1.213; WIPP is exempt from both the registration and permitting requirements of 20 NMAC 9.1. The Solid Waste Regulations are not applicable to WIPP because the waste in question is excluded from the definition of solid waste because of the presence of source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

If you have any questions, please feel free to contact me at (505) 827-2924.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles A. Hules".

Charles A. Hules, Manager
Compliance Monitoring & Enforcement Section
Solid Waste Bureau

CAH:ct

Cc: Darwin Pattengale, Manager, District IV, NMED
Fred Bennett, Solid Waste Compliance Officer, District IV, NMED

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