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*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**  
*Hazardous & Radioactive Materials Bureau*  
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PETER MAGGIORE  
SECRETARY

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**CORRECTED COPY**

May 1, 2000

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

Mr. Joe Epstein, General Manager  
Westinghouse Waste Isolation Division  
P. O. Box 2078  
Carlsbad, New Mexico 88221-5608

**RE: NOTICE OF CLASS DETERMINATION AND ADMINISTRATIVE  
COMPLETENESS DETERMINATION OF PROPOSED PERMIT  
MODIFICATIONS, WIPP HAZARDOUS WASTE FACILITY PERMIT  
EPA I.D. NUMBER NM 4890139088**

Dear Dr. Triay and Mr. Epstein:

The New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) acknowledges receipt of your April 20, 2000, letters regarding modifications to the WIPP Hazardous Waste Facility Permit. Specifically, one letter was a Notice of Class 1 Modification and the other letter was a Request for Class 2 Permit Modifications to the WIPP permit.

According to the Stipulation and Order filed with the U. S. District Court on March 24, 2000, NMED agreed to issue a classification determination for each of the four requested modifications "promptly and no later than seven (7) calendar days after receipt of DOE's modifications...". Attached to this letter is the basis for NMED's class determination for each modification submitted in the April 20, 2000 letters. NMED conducted this class determination as specified in 20 NMAC 4.1.900 (incorporated 40 CFR §270.42(d)).

Further, HRMB has reviewed these documents and determined that they are administratively complete. The New Mexico Hazardous Waste Fee Regulations require assessment of fees when

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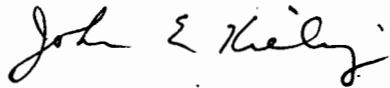


administrative review of a document is complete, as specified in 20 NMAC 4.2.301. HRMB will issue an invoice to you under a separate cover. Payment is due within sixty (60) calendar days from the date that you receive the invoice.

The modification identified in the Notice of Class 1 Modification has been put into effect in accordance with 20 NMAC 4.1.900 (incorporating 40 CFR §270.42(a)(1)). The modifications identified in the Request for Class 2 Permit Modification will be processed by NMED in accordance with the requirements specified in 20 NMAC 4.1.900 (incorporating 40 §270.42(b)).

If you have any questions regarding this matter, please contact Steve Zappe at (505) 827-1560, x1013.

Sincerely,



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

JEK:evm

cc: Gregory J. Lewis, NMED, WWMD  
James P. Bearzi, NMED HRMB  
✓ Steve Zappe, NMED HRMB  
Robert S. Dinwiddie, NMED HRMB  
Susan McMichael, NMED OGC  
David Neleigh, EPA, 6PD-N  
File: RED WIPP '00

## Attachment

### Class Determination for April 20, 2000 Submittals WIPP Hazardous Waste Facility Permit EPA I.D. Number NM4890139088

#### **1. Class 1 modification: Permit Condition IV.B.2.b**

This change is a Class 1 permit modification according to 20 NMAC 4.1.900 (incorporating 40 CFR §270.42) Appendix 2, Modification A.2. It is an informational and non-substantive change under the category of "General Permit Provisions" which clarifies the language in Permit Condition IV.B.2.b and is consistent with the Secretary's final order. Further, as specified in 20 NMAC 4.1.900 (incorporating 40 CFR §270.42(d)(2)(i)), this change does not substantially alter the permit condition or reduce the capacity of the facility to protect human health or the environment.

#### **2. Class 2 modification, Item 1: Permit Attachments B1 and B6 (Three sub-sample Requirement for VOCs During Solid Sampling)**

This proposed change is a Class 2 permit modification according to 20 NMAC 4.1.900 (incorporating 40 CFR §270.42) Appendix 1, Modification B.1.d. It is an "other change" to waste sampling and analysis methods under the category of "General Facility Standards". As a proposed Class 2 modification, it is subject to the permit modification requirements 20 NMAC 4.1.900 (incorporating 40 CFR §270.42(b)).

#### **3. Class 2 modification Item 2: Permit Attachments B2 and B6 (Miscertification Rate on a Waste Stream Basis)**

This proposed change is a Class 2 permit modification according to 20 NMAC 4.1.900 (incorporating 40 CFR §270.42) Appendix 1, Modification B.1.d. It is an "other change" to waste sampling and analysis methods under the category of "General Facility Standards". As a proposed Class 2 modification, it is subject to the permit modification requirements of 20 NMAC 4.1.900 (incorporating 40 CFR §270.42(b)).

#### **4. Class 2 Modification, Item 3: Permit Condition V.D and Table L-3 in Permit Attachment L (Substitution of Radionuclide-Specific data For Gross Alpha and Gross Beta Data)**

The proposed change is a Class 2 permit modification according to 20 NMAC 4.1.900 (incorporating 40 CFR §270.42) Appendix 1, Modification C.5.b. It is a change in indicator parameters, hazardous constituents, or concentration limits as specified in the detection monitoring program under the category of "Ground-Water Protection". As a proposed Class 2 modification, it is subject to the permit modification requirements of 20 NMAC 4.1.900 (incorporating 40 CFR §270.42(b)).