



GARY E. JOHNSON  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**  
*Water and Waste Management Division*  
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PETER MAGGIORE  
SECRETARY

PAUL R. RITZMA  
DEPUTY SECRETARY

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

June 30, 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: ASSESSMENT OF FEES FOR WIPP AUDIT ACTIVITIES**  
**EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Epstein:

The New Mexico Environment Department (NMED) is required by the WIPP Hazardous Waste Facility Permit to determine whether generator/storage sites have implemented the waste characterization requirements of the permit. The basis for this determination is provided in the WIPP Audit and Surveillance Program, specified in Permit Condition II.C.2 and Permit Attachment B6.

The New Mexico Hazardous Waste Fee Regulations, 20 NMAC 4.2, do not address the unique costs associated with these audits, such as reviewing generator site waste characterization procedures, observing the initial and follow-up audits at the generator site, and performing a detailed review of the final audit report submitted by the Permittees. NMED is therefore establishing the following protocol to recover these costs, based upon our expectation that the cost to NMED is approximately \$75,000 per audit:

1. The Permittees shall notify NMED prior to each audit as specified in Permit Condition II.C.2.b;
2. Upon receipt of such notification, NMED will invoice the Permittees for \$75,000 for that audit;
3. The Permittees shall submit the payment as generally specified in 20 NMAC 4.2.300; and

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4. NMED will withhold final audit report approval specified in Permit Condition II.C.2.d until receipt of such payment, except for the previous issued audit approvals for Rocky Flats Environmental Technology Site and Hanford Site.

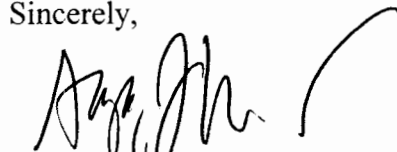
To date, NMED has participated in audits at the following generator sites:

- Rocky Flats Environmental Technology Site (December 13 - 17, 1999)
- Hanford Site (January 24, 2000)
- Idaho National Engineering and Environmental Laboratory (April 24 - 28, 2000)

NMED will issue an invoice to you for each of these audits and each future audit activity under a separate letter.

If you have any questions regarding this matter, please contact me at (505) 827-1758.

Sincerely,



Gregory J. Lewis

Director

Water and Waste Management Division

cc: James Bearzi, NMED HRMB  
John Kieling, NMED HRMB  
Cindy Abeyta, NMED HRMB  
Susan McMichael, NMED OGC  
David Neleigh, EPA Region 6  
Connie Walker, TechLaw  
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