



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
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PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEUPTY SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 18, 2000

Mr. Ross Shannon (6EN-HS)
Regional Off-site Contact
U.S Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

**RE: OFF-SITE RULE AND RECEIPT OF CERCLA WASTE
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Mr. Shannon:

The Hazardous Waste Bureau of the New Mexico Environment Department (**NMED**) received a letter dated September 6, 2000, from Samuel Coleman regarding EPA Region 6's preliminary determination that the Waste Isolation Pilot Plant (**WIPP**) is acceptable to receive waste from CERCLA-related activities. This letter requested a response from our agency addressing the WIPP facility's compliance with State law requirements and whether there are releases occurring at the facility.

To the best of NMED's knowledge, WIPP is not in violation of any State environmental laws and regulations; neither are there any releases occurring at the facility. However, this statement should not be construed to imply that WIPP is actually in compliance with all applicable laws and regulations at this time. NMED does not have the all the information needed to reach an affirmative conclusion, which can only be supported with extensive inspections and oversight by NMED.

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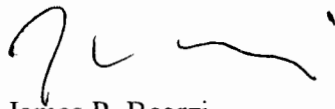


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NMED notes that any mixed waste received by WIPP for storage or disposal must comply with the conditions of the WIPP Hazardous Waste Facility Permit issued October 27, 1999, regardless of the origin or classification of the waste.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'James P. Bearzi', with a stylized flourish at the end.

James P. Bearzi
Chief
Hazardous Waste Bureau

Attachment

cc: John E. Kieling, NMED HWB
Steve Zappe, NMED HWB
Susan McMichael, NMED OGC
David Neleigh, EPA Region 6
Connie Walker, TechLaw
File: Red WIPP '00