



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**

October 26, 2000



Dr. Inés Triay, Manager  
Carlsbad Field 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: PANEL 2 CERTIFICATION OF CONSTRUCTION  
WIPP HAZARDOUS WASTE FACILITY PERMIT  
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Epstein:

On September 19, 2000, the New Mexico Environment Department (**NMED**) received a letter from DOE and Westinghouse (**the Permittees**) dated September 14, 2000, submitting a certification of construction for the Panel 2 Hazardous Waste Disposal Unit (**HWDU**) recently excavated at the Waste Isolation Pilot Plant (**WIPP**). This certification of construction was submitted in compliance with the reporting requirements of Permit Condition I.E.11.b, which states in relevant part:

... The Permittees shall not store or dispose TRU mixed waste in any modified portion of the facility (except as provided in 20 NMAC 4.1.900 (incorporating 40 CFR §270.42)) until the following conditions specified in 20 NMAC 4.1.900 (incorporating 40 CFR §270.30(1)(2)) are satisfied:

- i. the Permittees have submitted to the Secretary, by certified mail or hand delivery, a letter signed by the Permittees and a New Mexico registered professional engineer stating that the facility has been constructed or modified in compliance with this Permit, and:

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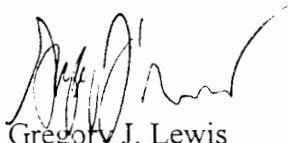
- ii. the Secretary has either inspected the modified portion of the facility and finds it is in compliance with the conditions of this Permit; or waived the inspection or, within fifteen (15) calendar days of the date of submission of the letter required above, has not notified the Permittees of his intent to inspect.

NMED staff conducted a compliance evaluation inspection of WIPP September 19-21, 2000. Part of this inspection included an evaluation of the construction of the Panel 2 HWDU. Based upon a review of the information obtained during this inspection, NMED finds that the Panel 2 HWDU was constructed in compliance with the requirements of the Permit.

Please note that many of the figures accompanying the associated Class 1 permit modification (Attachment B, Supporting Information) are illegible as photocopies. Please resubmit these figures as grayscale copies to ensure that all details are included as necessary.

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

Sincerely,



Gregory J. Lewis  
Director  
Water and Waste Management Division

cc: Paul Ritzma, NMED  
James Bearzi, NMED HWB  
John Kieling, NMED HWB  
Debby Brinkerhoff, NMED HWB  
Steve Zappe, NMED HWB  
Susan McMichael, NMED OGC  
David Neleigh, EPA Region 6  
Connie Walker, TechLaw  
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