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PETER MAGGIORE
SECRETARY

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 6, 2001

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

Mr. John Lee, General Manager
Westinghouse TRU Solutions LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

**RE: FINAL DETERMINATION, CLASS 2 MODIFICATION REQUESTS
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Lee:

The New Mexico Environment Department (**NMED**) hereby approves the Class 2 permit modification requests, with and without changes, to the WIPP Hazardous Waste Facility Permit as submitted to the Hazardous Waste Bureau (**HWB**) in the following document:

- Request for Class 2 Permit Modifications, Dated 3/6/01, Rec'd 3/8/01

These modifications were processed by NMED in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(b)).

NMED plans to issue a revised version of the Permit on July 13, 2001 reflecting all changes incorporated in this Class 2 modification as well as many of the Class 1 notifications received by NMED between April 6, 2000 and March 6, 2001. The modifications as approved with and without changes are described in the Attachment. NMED will provide full response to all public comments and a detailed redline/strikeout list of modifications upon issuance of the revised Permit.

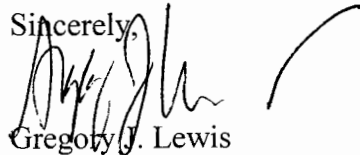
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Dr. Inés Triay
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If you have any questions regarding this matter, please contact Steve Zappe at (505) 827-1560, x1013.

Sincerely,



Gregory J. Lewis

Director

Water and Waste Management Division

GJL/soz

Attachments

cc: Paul Ritzma, NMED
James Bearzi, NMED HWB
John Kieling, NMED HWB
Steve Zappe, NMED HWB
Susan McMichael, NMED OGC
David Neleigh, EPA Region 6
Mary Kruger, EPA ORIA
Connie Walker, TechLaw
File: Red WIPP '01

Attachment
Specific Modifications Approved in the March 6, 2001 Class 2 Modification Request

1. For Item 1, NMED has incorporated all modifications to the Permit language as requested, including the comments received on May 14, 2001, except for the following changes:
 - Item 1.b.1 – the proposed modification “logbooks/forms” has been changed to read “logbooks and forms.”
 - Item 1.b.2 – same change as Item 1.b.1 above.
 - Item 1.e.1 – the proposed modification added a list of figures and tables to the Table of Contents. NMED has added existing Table D-2, Monitoring Schedule, to the list of tables.
 - Item 1.e.3 – NMED has changed the title of the figure to Figure D-1, Typical Inspection Checklist to match the Table of Contents and to more closely match the apparent title at the top of the checklist.
 - Item 1.e.5 – NMED has incorporated all changes to Table D-1 as requested. However, the Permittees failed to provide suitable procedure numbers and inspection criteria for the final three systems or equipment on the table, apparently in oversight. Because these three items are related to remote-handled (RH) waste activities currently prohibited under the Permit, NMED has identified the procedure number and inspection criteria for the Facility Grapple, 15-Ton Bridge Crane, and Hook and Rope on 50/25-Ton Bridge Crane as “To Be Determined (RH equipment).” The Permittees will need to submit this information as part of a future modification request.
2. For Item 2, NMED has incorporated all modifications to the Permit language as requested.
3. For Item 3, NMED has incorporated all modifications to the Permit language as requested.
4. For Item 4, NMED has incorporated all modifications to the Permit language as requested, including the comments received on May 14, 2001, except for the following changes:
 - Item 4.a.1 – NMED has incorporated all changes to Table II.C.4, except for U134, Hydrofluoric Acid, CAS Number 7664-39-3. Furthermore, NMED has added designations reflecting the basis for listing to each P- and U-coded waste on the

table, with an explanatory footnote at the end of Table II.C.4. The footnote also states that acceptance of U-coded wastes listed for reactivity or ignitability characteristics is contingent upon a demonstration that the wastes meet the requirements specified in Permit Condition II.C.3.g.

Item 4.b.1 – NMED has eliminated the entry for U134 on line 24 of the revised Page 6 of 7 provided in the May 14, 2001 comments on the permit modification.

NMED has also added the Savannah River Site to the footnotes requiring formaldehyde analysis on Tables B-1 and B-3 in Permit Attachment B, and on Tables B3-2 and B3-4 in Permit Attachment B3.

NMED has added (trans)-1,2-Dichloroethylene to the following tables:

Permit Attachment B

Table B-1 (Summary of Waste Characterization Requirements: Headspace Gas, Total Volatile Organic Compounds)

Table B-3 (Headspace Target Analyte List and Methods)

Table B-4 (Required Organic Analyses and Test Methods: Halogenated VOCs)

Permit Attachment B3

Table B3-2 (Gas VOC Target Analyte List and QAOs)

Table B3-4 (VOC Target Analyte List and QAOs)

NMED has also added (trans)-1,2-Dichloroethylene and Vanadium to the following tables:

Module V

Table V.D (Parameter or Constituent)

Permit Attachment L

Table L-3 (Analytical Parameter List, WIPP DMP)

5. For Item 5, NMED has incorporated all modifications to the Permit language as requested.