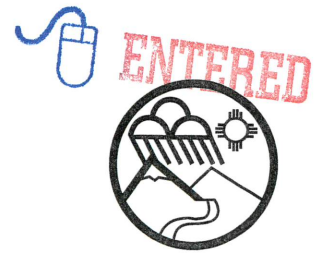




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DEPUTY SECRETARY

February 3, 2003

Mr. Harold Johnson, NEPA Compliance Officer  
Carlsbad Field Office  
Department of Energy  
P.O. Box 3090  
Carlsbad, New Mexico 88221-3090

**RE: NMED COMMENTS ON 2002 WIPP BIENNIAL ENVIRONMENTAL COMPLIANCE REPORT**

Dear Mr. Johnson:

The Hazardous Waste Bureau (**HWB**) conducted the New Mexico Environment Department's (**NMED**) review of the 2002 WIPP Biennial Environmental Compliance Report (**BECR**), which addresses compliance issues at WIPP from April 1, 2000 to March 31, 2002. This letter and attachment summarizes NMED's findings upon completion of the review.

The BECR adequately describes the resolution of the August 1999 Letter of Violation issued by NMED related to WIPP hazardous waste generation activities. The BECR identifies the September 24, 2001 Notice of Violation issued by NMED regarding improper implementation of permit modifications and the January 7, 2002 Compliance Order issued by NMED regarding receipt of improperly characterized waste. Both of these issues were subsequently resolved. The BECR also identifies two cases of noncompliance reported under the WIPP Hazardous Waste Facility Permit. Apart from the aforementioned instances, to the best of NMED's knowledge, WIPP was not in violation of any environmental laws and regulations contained in Chapters 25 through 31 of the BECR during the reporting period. However, this statement should not be construed to imply that WIPP actually complied with all other applicable laws and regulations during the reporting period. NMED does not have the information necessary to reach an affirmative conclusion, which can only be supported with extensive inspections and oversight by NMED.

030203



Mr. Harold Johnson  
February 3, 2003  
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Attached are specific comments on chapters of the BECR that NMED reviewed. NMED offers these comments to correct and improve the information provided in future versions of the BECR. If you have any questions concerning these comments, please contact me at 505-428-2517.

Sincerely,



Steve Zappe  
NMED WIPP Project Leader

Attachment

cc: Anne Clarke, NMEMNRD  
Nick Stone, EPA Region 6  
WIPP File - Red '03

***Comments from NMED on the WIPP Biennial Environmental Compliance Report (DOE/WIPP 02-2171), October 2002.***

1. Section 25.1 (Summary of the Law), page 99, paragraph 4 states, “Section 74-4-4.F of the HWA allows the Environmental Improvement Board to adopt federal hazardous waste management regulations by reference after public notice and public hearing.” Section 74-4-4.F does not exist. Section 74-4-4.E should have been referenced.