

State of New Mexico
ENVIRONMENT DEPARTMENT
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FAX COVER SHEET

Date: July 14, 2003
To: Janet Greenwald
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From: Steve Zappe
Number of Pages (including this cover sheet): 2

COMMENTS

Janet -

Attached is a single sheet documenting WIPP's compliance history during the life of the Permit, as you requested.

030733



WIPP Compliance History – July 14, 2003

1. From 1998 through 2002, NMED issued numerous enforcement letters against Respondents pursuant to the HWA and the HWMR. In 1998 and 1999, NMED inspected WIPP, discovered violations of the HWMR, 20.4.1 NMAC, and issued letters of violation. In 1999, NMED issued a compliance order against Respondents (CO 99-05), which sought compliance and assessed civil penalties. In 2001, NMED discovered violations of the HWMR, 20.4.1 NMAC, and issued a notice of violation (NOV 2001). In 2002, NMED issued a compliance order against Respondents (CO 01-08), which sought compliance and assessed civil penalties. In 2003, NMED discovered violations of the HWA and the HWMR, 20.4.1 NMAC, and issued a notice of violation (NOV 2003) that was later rescinded.

2. The violations cited in the enforcement actions set forth above included, but were not limited to the following: inadequate hazardous waste determination (CO 99-05); failure to obtain a general waste analysis that complies with 40 CFR §265.13(a) (CO 99-05); storing and disposing hazardous waste without following the written waste analysis plan (CO 99-05, CO 01-08); submitting and putting into effect permit modifications that failed to meet the requirements for Class 1 modifications listed in Appendix I of 40 §CFR 270.42 (NOV 2001); and failure to manage, store and dispose of waste as required by Permit Conditions II.C.1 Waste Analysis Plan, IV.B.2.b Prohibited Waste, and 40 CFR §264.13 (NOV 2001).

3. As a result of compliance order CO 99-05 described above, Respondents entered into a stipulated final order to compromise and settle the matter. As a result of compliance order CO 01-08 described above, Respondents entered into a settlement agreement to compromise and settle the matter.