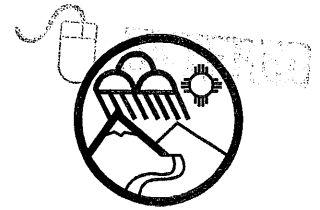




BILL RICHARDSON  
GOVERNOR

*State of New Mexico*  
**ENVIRONMENT DEPARTMENT**  
*Hazardous Waste Bureau*  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Telephone (505) 428-2500  
Fax (505) 428-2567  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)



RON CURRY  
SECRETARY

DERRITH WATCHMAN-MOORE  
DEPUTY SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUIRED**

July 20, 2004

R. Paul Detwiler  
Acting Manager  
U.S. Department of Energy  
Carlsbad Field Office  
P.O. Box 3090  
Carlsbad, NM 88221

Dr. Steven Warren, President  
Washington TRU Solutions, LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-5608

**SUBJECT: NOTICE OF VIOLATION and Resolution  
WIPP, EPA ID# 4890139088**

Dear Mr. Detwiler and Dr. Warren:

On January 22, 2004, the New Mexico Environment Department (NMED) conducted a hazardous waste Compliance Evaluation Inspection at the Waste Isolation Pilot Plant (WIPP), located near Carlsbad, New Mexico. Based on that inspection and review of the information obtained, NMED has determined that your facility is a Large Quantity Generator and a Treatment, Storage and Disposal facility. The WIPP has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

The following violation was noted:

1. WIPP failed to close an open container labeled as containing hazardous waste, located near the bottom of the Waste Shaft at the Satellite Accumulation Area. This is a violation of 40 CFR § 262.34 c (1)(i) referring to 265.173(a) and 20.4.1.300 NMAC.

In accordance with 74-4-10 NMSA 1978, NMED may: (1) issue a Compliance Order requiring compliance immediately or within a specified time period, or assess a civil penalty for any past or current violations of up to \$10,000 per day of non-compliance with each violation, or both; or (2)



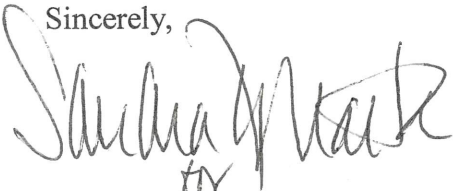
R. Paul Detwiler and Dr. Warren  
July 20, 2004  
Page 2

commence a civil action in District Court for appropriate relief, including a temporary or permanent injunction. Any such order may include a suspension or revocation of any permit issued by NMED.

The NMED has reviewed your response to the inspection report to the inspection report dated January 22, 2004. Based on that review, the NMED has determined that the violation cited in this NOV has been adequately addressed, and no further action is required. This letter does not relieve WIPP of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this letter, please contact Joyce Murdoch of my staff at (505) 841-9040. Please address your written response to the attention of Joyce Murdoch at the address in the letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read "James P. Bearzi". The signature is written in a cursive style with a large, sweeping "J" and "B".

James P. Bearzi  
Chief  
Hazardous Waste Bureau

JPB:jm

cc: Sandra Y. Martin, Manager, Compliance & Technical Assistance Program  
Anna Maestas, Environmental Supervisor  
Joyce Murdoch, Environmental Specialist  
Steve Zappe, Manager HWB/WIPP group  
Carl Stubbs, General Manager, District IV

file: Library #0549  
hwbsoc05/enforcement/joyce murdoch