



BILL RICHARDSON  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*  
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RON CURRY  
SECRETARY

DERRITH WATCHMAN-MOORE  
DEPUTY SECRETARY

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

February 11, 2005

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

Mr. Richard D. Raaz, General Manager  
Washington TRU Solutions LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-5608

**RE: SUBMITTAL OF PANEL 3 CERTIFICATION OF CONSTRUCTION  
WIPP HAZARDOUS WASTE FACILITY PERMIT  
EPA I.D. NUMBER NM4890139088**

Dear Dr. Triay and Mr. Raaz:

On February 4, 2005, the New Mexico Environment Department (NMED) received a letter from DOE and Washington TRU Solutions LLC (the Permittees) dated February 3, 2005, submitting a certification of construction for the Panel 3 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(l)(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:
- 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

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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.

This letter is to notify the Permittees of NMED's intent to inspect the modified portion of the facility as specified in Permit Condition I.E.11.b.ii. NMED will coordinate with Mr. Jody Plum of your staff to schedule an inspection date that is mutually agreeable to all parties.

If you have any questions regarding this matter, please contact me at (505) 428-2517.

Sincerely,



Steve Zappe  
WIPP Project Leader  
Permits Management Program

cc: Marcy Leavitt, NMED WWMD  
James Bearzi, NMED HWB  
John Kieling, NMED HWB  
Ashley Schannauer, NMED OGC  
Betsy Forinash, EPA ORIA  
Laurie King, EPA Region 6  
Connie Walker, Trinity Engineering Associates  
File: Red WIPP '05