



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



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

February 22, 2005

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

RE: NMED REVIEW OF 2004 WIPP BIENNIAL ENVIRONMENTAL COMPLIANCE REPORT

Dear Mr. Johnson:

The Hazardous Waste Bureau (HWB) conducted the New Mexico Environment Department's (NMED) review of the 2004 WIPP Biennial Environmental Compliance Report (BECR), which addresses compliance issues at WIPP from April 1, 2002 to March 31, 2004. This letter summarizes NMED's findings upon completion of this review.

The BECR adequately describes the resolution of the July 2004 Notice of Violation issued by NMED related to WIPP hazardous waste generation activities identified during the on-site inspection conducted on January 22-23, 2004. In light of this resolution, to the best of NMED's knowledge, WIPP was not in violation of any other 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.

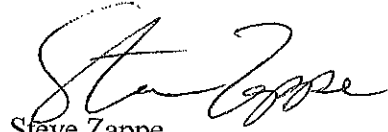
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Mr. Harold Johnson
February 5, 2003
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If you have any questions regarding this matter, please contact me at 505-428-2517.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Zappe".

Steve Zappe
NMED WIPP Project Leader

cc: Anne Clarke, NMEMNRD
Nick Stone, EPA Region 6
WIPP File - Red '05