



BILL RICHARDSON
Governor

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Lieutenant Governor

ENTERED
NEW MEXICO

ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 30, 2008

David Moody, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Farok Sharif, President
Washington TRU Solutions LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

**RE: SUBMITTAL OF FIRE WATER SUPPLY RESTORATION CERTIFICATION OF
MODIFICATION
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Moody and Mr. Sharif:

On July 3, 2008, the New Mexico Environment Department (NMED) received a notification of planned change dated June 30, 2008 from the Department of Energy Carlsbad Field Office (CBFO) and Washington TRU Solutions LLC (the Permittees) regarding plans to install a new Post Indicator Valve (PIV), repair the damaged fire water supply line, and tie this line into the Fire Suppression System of the Waste Handling Building at the Waste Isolation Pilot Plant (WIPP). This change was a result of a break in the fire water supply line that was discovered on April 23, 2008 and reported to NMED on April 24, 2008. On September 19, 2008, the Permittees submitted a letter confirming their coordination with NMED to facilitate a timely inspection, in which NMED agreed to provide staff to both observe the inspection of the installation by a New Mexico registered professional engineer (PE) and perform an independent verification inspection.

On September 25, 2008, the Permittees submitted to NMED a letter transmitting a New Mexico registered PE certification stating that the CH Bay fire water supply restoration had been constructed and functionally tested in a manner such that it can be operated in compliance with the Permit. The Permittees submitted this certification of modification in compliance with the reporting requirements of Permit Condition I.E.11.b, which states in relevant part:

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... 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(1)(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 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.

Mr. Tom Kesterson of NMED coordinated his inspection of the CH Bay fire water supply restoration to coincide with the tests performed on the installation conducted on September 22, 2008 and observed by the New Mexico registered PE. Based upon a review of the information provided in the certification and obtained during this inspection, NMED finds that the Waste Handling Building modifications to install the CH Bay fire water supply restoration were constructed in compliance with the requirements of Permit Attachment E, Section E-1a(4), Water for Fire Control, which states, "the WIPP facility [shall] be equipped with water at an adequate volume and pressure to supply water-hose streams, foam-producing equipment, automatic sprinklers, or water-spray systems." The Permittees may now resume TRU mixed waste storage activities in the Waste Handling Building that may have been affected by this facility modification.

If you have any questions regarding this matter, please contact Steve Zappe of my staff at (505) 476-6051.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: Marcy Leavitt, NMED WWMD
John Kieling, NMED HWB
Chuck Noble, NMED OGC
Tom Kesterson, NMED DOEOB
Steve Zappe, NMED HWB
Tom Peake, EPA ORIA

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Laurie King, EPA Region 6
Connie Walker, Trinity Engineering Associates
File: Red WIPP '08