



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 26, 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 PANEL 5 CERTIFICATION OF CONSTRUCTION
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Moody and Mr. Sharif:

On November 17, 2008, the New Mexico Environment Department (NMED) received a letter from DOE and Washington TRU Solutions LLC (**the Permittees**) dated November 10, 2008, submitting a certification of construction for the Panel 5 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(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 waive

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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 Steve Zappe of my staff at (505) 476-6051.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: John Kieling, NMED HWB
Chuck Noble, NMED OGC
Tom Kesterson, NMED DOEBOB
Steve Zappe, NMED HWB
Tom Peake, EPA ORIA
Laurie King, EPA Region 6
Connie Walker, Trinity Engineering Associates
File: Red WIPP '08