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NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 2, 2010

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: NON-FINANCIAL RECORDS REVIEW INSPECTION
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Moody and Mr. Sharif:

On September 22-23, 2009, the New Mexico Environment Department (NMED) conducted a Non-Financial Records Review inspection at the Waste Isolation Pilot Plant (WIPP), which emphasized compliance with aspects of the WIPP hazardous waste facility permit. At the time of the inspection, NMED provided the Permittees with an itemized list of requested information to determine permit compliance (attached). On February 8, 2010, NMED received the Permittees' response to the information request.

NMED has reviewed the data in the Permittees' response and observed no violations of permit requirements based upon this review. No further action is required at this time. However, this letter does not relieve WIPP of its obligation to comply with any other applicable laws and regulations.

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Dr. Moody and Mr. Sharif

September 2, 2010

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If you have any questions regarding this letter, please contact Steve Zappe of my staff at (505) 476-6051. Please address any written response to the attention of Mr. Zappe at the address on the letterhead.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz

Attachment

cc: Art Vollmer, NMED HWB
Steve Zappe, NMED HWB
Steve Holmes, NMED HWB
Thomas Kesterson, NMED DOEOB
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
Connie Walker, Trinity Engineering
File: Red WIPP '10

2009-2010 WIPP Inspection-Items: NMED Request Description
Date of Inspection: September 22, 2009

1. Information and data regarding any derived waste that has been generated and accumulated in the WHB from January 1 to September 22, 2009. Permit Condition II.C.5.

2. Documentation regarding all Occurrence Reports from January 1 to September 22, 2009.

3. Copies of waste manifests of CH shipments with payloads disposed of within the fifteen weeks prior to this inspection, and of all RH shipments received since February 28, 2009. In addition, obtain photocopies of all in-house routing, transfer, and/or 'cleared to deposit' documents for the one week prior to this inspection.

4. Documentation demonstrating that the storage capacities of the Parking Area Unit and Parking Area Surge Storage (from Table III.A.2) and WHB Units [CH Bay Storage Area, CH Bay Surge Storage Area, Derived Waste Storage Area, RH Bay, Cask Unloading Room, Hot Cell, Transfer Cell, and Facility Cask Loading Room] (from Table III A.1) were not exceeded during a one-month period in calendar year 2009 (selected by the inspector, will be the entire month of July, 2009)

5. Generate and provide a histogram from the WWIS database, plotting number of containers versus number of days in storage, demonstrating whether storage times were ever exceeded from January 1 to September 22, 2009.

6. Photocopies of calibration records from January 1 to September 22, 2009 for all specific types of instruments (one instrument of each specific type) used to demonstrate permit compliance with Attachments D, L, N, N1, and Q. Radiological instruments are not considered demonstration of permit compliance.

7. Names for all individuals in the following positions: Hazardous Waste Workers, TRU Mixed Waste Handlers, Facility Shift Engineers, Facility Shift Managers, Central Monitoring Room Operators, Radiographers (Level 1 and 2) Visual Examination Experts (Level 1 and 2), and Permittees' Management Representative. Inspector will request summary of training records for up to 10% of the names provided to verify training and qualification are current.

8. Copies of any coordinating agreements specified in the Contingency Plan, Section F-6, that were revised from January 1 to September 22, 2009. Provide a copy of the current Contingency Plan as well.

9. Current copies of all WIPP technical procedures referenced in Permit Attachment P that were revised from January 1 to September 22, 2009. In addition, provide current copies of all procedures related to management, storage, and disposal of RH TRU waste regulated under the permit that were revised from January 1 to September 22, 2009.

10. Complete copy of the WISS Data Change Log from January 1 to September 22, 2009.

11. Maps of waste disposal location and quantity from January 1 to September 22, 2009 as specified in Permit Condition IV.H.2.

12. Records, including revised procedures, of all adjustments made to the ventilation system based upon results of the April 2008 Test and Balance Report and quarterly airflow checks from January 1 to September 22, 2009. Adjustments include, but are not limited to 1) changes to the underground configuration; 2) exhaust fan adjustments; and 3) replacement, repair, calibration, and maintenance of equipment (e.g., air flow sensors, fans, regulators, etc.).

13. Analytical laboratory results of Panel 5 disposal room VOC monitoring any time in 2009 of any one round, both paper and as an electronic spreadsheet (selected by the inspector).