



NEW MEXICO
ENVIRONMENT DEPARTMENT



Resource Protection Division

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JAMES H. DAVIS, Ph.D.
Division Director

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 23, 2012

Jose R. Franco, Manager
Carlsbad Field Office
Department of Energy
P. O. Box 3090
Carlsbad, New Mexico 88221-3090

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

**RE: TERMINATION OF STIPULATED FINAL ORDER, NO. HWB 09-47
WASTE ISOLATION PILOT PLANT, EPA ID# NM4890139088**

Dear Messrs. Franco and Sharif:

On June 28, 2012, the New Mexico Environment Department (the Department) received a letter in which the U.S. Department of Energy Carlsbad Field Office and Washington TRU Solutions LLC (the Respondents) submitted the *Waste Isolation Pilot Plant Calendar 2000-2004 Culebra Potentiometric Surface Map Package* and requested that the Stipulated Final Order (Order), filed on December 1, 2009, No. HWB 09-47 (CO), be closed.

The Respondents and the Department entered into the Order to settle and completely resolve the alleged violations of the WIPP Permit as described in the Notice of Violation that the Department issued to the Respondents on November 26, 2007.

Paragraph 10 of the Order contains a schedule of compliance as follows:



- (10.a.) Within 30 days from the effective date of this Order, Respondents shall submit to the Department for its review and approval a work plan describing the proposed contents of a future Class 2 permit modification request that includes, but is not limited to, revising sources of confusion and ambiguities in Module V (*Part 5*), Groundwater Detection Monitoring, and Attachment L, WIPP Groundwater Detection Monitoring Program Plan, and incorporating proposed mapping methodology for generating a Culebra Potentiometric Surface Map.

The Department received the work plan on December 21, 2009 and approved the Work Plan on August 5, 2011 (the approval was delayed to allow time for the Permit renewal process).

- (10. b.) Within 60 days from the Department's approval of the work plan of Paragraph 10.a, Respondents shall submit the Class 2 permit modification request revising Module V and Attachment L.

The Department received the Class 2 permit modification request on October 3, 2011 and approved the request on January 31, 2012.

- (10.c.) Within 90 days from the Department's approval of the work plan of Paragraph 10.a, Respondents shall submit to the Department for its review and approval a Culebra Potentiometric Surface Map package consistent with the work plan for groundwater level data for Calendar Year 2009.

The Department received the map package for 2009 on September 21, 2011 and approved the map package on November 2, 2011.

- (10.d.) Within 180 days from the Department's approval of the Culebra Potentiometric Surface Map package of Paragraph 10.c, Respondents shall submit Culebra Potentiometric Surface Map packages consistent with the work plan for each calendar year from 2005 through 2008.

The Department received the map packages for 2005 through 2008 on February 29, 2012.

- (10.e.) Within 270 days from the Department's approval of the Culebra Potentiometric Surface Map package of Paragraph 10.c, Respondents shall submit Culebra Potentiometric Surface Map packages consistent with the work plan for each calendar year from 2000 through 2004.

The Department received the map packages for 2000 through 2004 on June 28, 2012.

These submittals fulfill the requirements under the Settlement Agreement and so the Environment Department agrees to its closure. Effective today, the Stipulated Final Order filed December 1, 2009, No. HWB 09-47, is terminated and no longer in effect.

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If you have any questions regarding this matter, please contact John Kieling, Chief of the Environment Department Hazardous Waste Bureau, at (505) 476-6000 or john.kieling@state.nm.us.

Sincerely,

James H. Davis, Ph.D.
Director
Resource Protection Division

cc: John Kieling, NMED HWB
Trais Kliphuis, NMED HWB
Ricardo Maestas, NMED HWB
Steve Holmes, NMED HWB
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File: Red WIPP '12