



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO 
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



RYAN FLYNN
Cabinet Secretary Designate

BUTCH TONGATE
Deputy Secretary

TOM BLAINE, P.E.
Director
Environmental Health Division

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 29, 2013

Jose Franco, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3100
Carlsbad, New Mexico 88221-3100

M. Farok Sharif, Project Manager
Nuclear Waste Partnership LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

**RE: NMED INTENT TO WAIVE INSPECTION OF PHYSICAL ALTERATION TO THE PERMITTED FACILITY
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Franco and Sharif:

On June 18, 2013, the New Mexico Environment Department (NMED) received a notification of planned alteration dated June 17, 2013 from the Department of Energy Carlsbad Field Office (CBFO) and Nuclear Waste Partnership LLC (the Permittees) regarding plans to perform changes at the Waste Handling Building at the Waste Isolation Pilot Plant (WIPP). The notification stated that these changes were planned to occur in early July and consisted of:

1. Rerouting the 3-inch fire water main pipe closer to the roof to provide more clearance for the CH-Bay Cranes;
2. Running new cross-mains north-south from the 3-inch fire water main above each TRUDOCK;
3. Adding new branch lines east-west from the water cross-mains to each sprinkler head location;
4. Installing equivalent pendant sprinkler heads instead of original upright ones over each TRUDOCK; and,



5. Measuring for Occupational Safety and Health Administration clearance and verifying the National Fire Protection Association (NFPA) 13 compliance my hydro testing of the modified sprinkler system.

The notification also stated that the Permittees expected the changes to occur in early July. Recently, NMED was informed that the changes are to occur on or near September 4, 2013. In addition, waste will not be managed at the CH Bay and TRUDOCK while changes are being performed.

The certification report must be submitted in compliance with the reporting requirements of Permit Section 1.7.11.2, which states in relevant part:

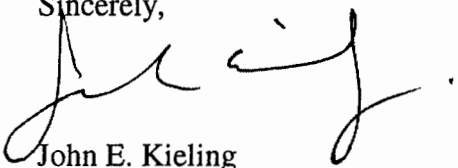
...The Permittees shall not store or dispose TRU mixed waste in any modified portion of the facility (except as provided in 20.4.1.900 NMAC (incorporating 40 CFR §270.42)) until the following conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.30(l)(2)) are satisfied:

- 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 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 that, pending receipt of the required certification, NMED intends to waive the inspection as described in part *ii* above. NMED will examine the changes of the modified portion of the facility when the annual WIPP inspection is performed sometime before November 13, 2013 or during another visit to the facility.

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

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

Messrs. Franco and Sharif
August 29, 2013
Page 3

cc: Tom Blaine, NMED EHD
Trais Kliphuis, NMED HWB
Susan Lucas-Kamat, NMED DOEOB
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
File: Red WIPP 2013