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Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

May 26, 2016

Todd A. Shrader, Manager  
Carlsbad Field Office  
Department of Energy  
P. O. Box 3090  
Carlsbad, New Mexico 88221-3090

Philip J. Breidenbach, Project Manager  
Nuclear Waste Partnership LLC  
P. O. Box 2078  
Carlsbad, New Mexico 88221-2078

**RE: NMED INSPECTION OF PHYSICAL ALTERATION TO THE PERMITTED FACILITY TO SUPPORT THE INSTALLATION OF THE INTERIM VENTILATION SYSTEM (IVS) WIPP HAZARDOUS WASTE FACILITY PERMIT EPA I.D. NUMBER NM4890139088-TSDF**

Dear Messrs. Shrader and Breidenbach:

On August 28, 2014, the New Mexico Environment Department (NMED) received a notification of planned change dated August 26, 2014 from the Department of Energy Carlsbad Field Office (CBFO) and Nuclear Waste Partnership LLC (the Permittees) regarding plans to perform a physical alteration to the permitted facility through installation of the Interim Ventilation System (IVS), an augmentation to the Underground Ventilation System. The notification stated that these changes were planned to occur early in calendar year 2015.

On February 19, 2016, the NMED received a Class 1 Permit Modification, dated February 17, 2016, regarding the IVS which added descriptive text to Attachments A2 and O and updated figures in Attachments A2 and D of the Permit.

On April 26 and 27, 2016, the NMED conducted an inspection of the IVS installation. During the inspection NMED also reviewed the Professional Engineer (PE) certification letter that was to be formally submitted to NMED the following week. The NMED's physical inspection included verification of ductwork, supports, filter banks, IVS tie-in and overall system design



and verification that the new IVS descriptive language and updated figure in the Permit as contained in the Class 1 Permit Modification are adequate.

On May 2, 2016, NMED formally received the certification by a New Mexico Registered PE in support of the IVS installation. This PE certification was submitted, signed, and certified by the Permittees in compliance with the reporting requirements of Permit Section 1.7.11.2, which states in relevant part:

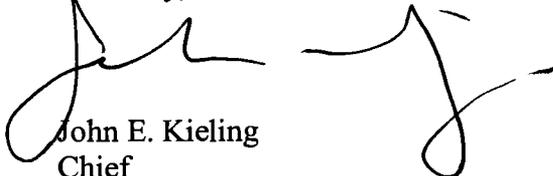
*...The Permittees shall not store or dispose TRU mixed waste in any modified portion of the facility (except as provided in 20.4.1.900 NMAC (incorporating 40 CFR §270.42)) until the following conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR§270.30(l)(2)) are satisfied:*

- 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.*

Based upon a review of the information provided in the PE certification and obtained during the inspection, NMED finds that the physical alterations to the permitted facility in support of IVS were performed in compliance with the requirements of the Permit.

If you have any questions regarding this matter, please contact Ricardo Maestas at 476-6050.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: R. Maestas, NMED HWB  
C. Smith, NMED HWB  
S. Lucas-Kamat NMED DOE OB  
L. King, EPA Region VI  
T. Peak, EPA ORIA  
File: WIPP '16