



**ENTERED**



**State of New Mexico  
ENVIRONMENT DEPARTMENT**



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

Harold Runnels Building  
1190 Saint Francis Drive, PO Box 5469  
Santa Fe, NM 87502-5469  
Telephone (505) 827-2855 Fax (505) 827-2836  
www.env.nm.gov

BUTCH TONGATE  
Cabinet Secretary  
J.C. BORREGO  
Acting Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

September 19, 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: FINAL DETERMINATION, CLASS 2 PERMIT MODIFICATION DECISION  
WASTE ISOLATION PILOT PLANT  
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Shrader and Breidenbach:

On September 19, 2016, the New Mexico Environment Department (“NMED”) took final administrative action on a Class 2 modification request (“Modification”) to the Waste Isolation Pilot Plant Hazardous Waste Facility Permit (“Permit”). The Department of Energy Carlsbad Field Office and Nuclear Waste Partnership LLC submitted this Modification on June 3, 2016, and was received by NMED on July 8, 2016. The Modification is entitled “*Revise the RCRA Contingency Plan and Associated Emergency Response Personnel Training, and Active Room Ventilation Rate*” and was submitted as a 2-Item Class 2 Modification.

The Modification was evaluated and processed in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(b)) and was subject to a 60-day public comment period running from June 8, 2016 through August 8, 2016. NMED received written comments from several individuals and organizations during the comment period.

NMED hereby approves this Modification with changes. Attached is a CD containing the revised applicable sections of the Permit where language deleted from the permit is **stricken-out**, language added to the permit as proposed in the Modification is highlighted in **redline** and



**Messrs. Shrader and Breidenbach**  
**September 19, 2016**  
**Page 2**

specific language changes imposed by NMED are distinguished by yellow highlight. A clean final version of the applicable Permit sections is also included on the disc. This permit modification is effective on October 19, 2016.

Further information on this administrative action, including NMED's response to comments and the final Permit, may be found on the NMED WIPP Information Page at <https://www.env.nm.gov/wipp/>.

If you have any question regarding this matter, please contact Ricardo Maestas of my staff at (505) 476-6050.

Sincerely,



**Kathryn Roberts**  
**Director**  
**Resource Protection Division**

cc: J. Kieling, NMED HWB  
R. Maestas, NMED HWB  
C. Smith, NMED HWB  
L. King, EPA Region 6  
T. Peake, EPA ORIA  
File: WIPP '16