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**Department of Energy**  
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APR 04 2017



Mr. John E. Kieling, Bureau Chief  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87508-6303

Dear Mr. Kieling:

Thank you for providing comments from the New Mexico Environmental Department (NMED) review of the 2016 Biennial Environmental Compliance Report (BECR). Your comments dealt with three specific areas as noted below:

- 1. Table 26, #8, page 104, General Requirements for Ignitable, Reactive, or Incompatible Wastes, (40 CFR §224.17 (20.4.1.500 NMAC)).** The NMED noted that additional detail regarding the provisional addition of EPA Hazardous Waste Numbers D001 and D002 could have been provided since the Permittees submitted additional supplements to the Contingency Plan Implementation Report prior to the BECR data cutoff date. The Permittees agree that adding the subsequent reports would have presented a more complete description of the activity, however, it would not change the status of the compliance reported in the BECR. Since the final supplement report occurred after the data cutoff date (March 31, 2016), the final count with regard to container assignments and waste streams will be captured in the next BECR.
- 2. Table 26, #50, page 118, Miscellaneous Units (40 CFR §264.601, 602, 603).** The NMED correctly points out that numerous roof falls as well as the requirement to maintain a minimum annual average ventilation rate of 260,000 standard cubic feet per minute and underground repository monitoring for volatile organic compounds were changed by a Class 2 Permit Modification Request that was approved prior to the data cutoff date. The Permittees did not include the roof fall information since it is not a compliance issue, however, the mention of the approval of the PMR would have clarified that previously non-compliant conditions addressed through NMED Administrative Orders had been remedied. These are topics related to the Administrative Compliance Orders that can be clarified in the next BECR.
- 3. Table 27, #4, page 120, Requirements for Recording and Reporting of Monitoring Results (40 CFR §270.31 (20.4.1.900 NMAC)).** The NMED points out that Administrative Order (AO) 2 provided relief with regard to the reporting requirements for Hydrogen/Methane Monitoring, VOC monitoring in the



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underground and certain inspections. The Permittees agree that additional information may be useful to point out that the AO2 provided relief with regard to recording data and performing inspections. However, this is covered generally in the discussion of AO2 in the BECR. More detail regarding the AOs will be provided in the next BECR in context of the discussion of the NMED inspection to resume normal operations and the close out of the AOs.

If you have any further questions, please contact me at (575) 234-7488.

Sincerely,



George T. Basabilvazo, Director  
Office of Environmental Protection

cc:

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