



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

State of New Mexico  **ENTERED**
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau



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BUTCH TONGATE
Cabinet Secretary
J. C. BORREGO
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 1, 2018

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

Bruce C. Covert
Project Manager
Nuclear Waste Partnership, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

**RE: NOTICE OF VIOLATION AND RESOLUTION
WASTE ISOLATION PILOT PLANT
EPA ID# NM4890139088**

Dear Messrs. Shrader and Covert:

On May 1, 2018, the New Mexico Environment Department (“NMED”) conducted a hazardous waste Compliance Evaluation Inspection (“Inspection”) at the U.S. Department of Energy (“DOE”) Waste Isolation Pilot Plant (“WIPP”), located at 34 Louis Whitlock Dr., Carlsbad, New Mexico.

WIPP is a DOE facility that accepts and disposes of transuranic mixed waste from various DOE laboratories around the United States. The handling of these mixed wastes and the maintenance of the facility generates hazardous wastes flammable and corrosive hazardous waste, recyclable spent lead acid batteries, used oil, universal waste and possible lead contaminated brine water.

The Permit is organized into modules and attachments. For the purposes of this Notice of Violation, the module requirements are referred to as “permit conditions” or PCs.

Based on that Inspection and review of the information obtained, NMED has determined that your facility is a Large Quantity Generator and Permitted Treatment, Storage and Disposal Facility of hazardous waste, as defined in the Notification of Regulated Waste Activity



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Instructions, Environmental Protection Agency ("EPA") Form 8700-12 and has violated the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC) as specified below.

NMED observed the following violation:

- Failure to maintain records of the job title for each position at the facility related to hazardous waste management and the name of the employee filling each job, which is a violation of PC 2.8.3, incorporating 40 CFR § 264.16(d)(1). This record was not available for NMED to review at the time of inspection.

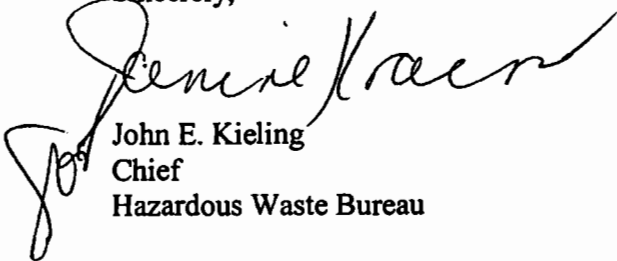
Please note: NMED has not yet adopted the new generator rules promulgated by EPA on May 30, 2017. Currently, 20.4.1 NMAC incorporates by reference the 2008 version of the Code of Federal Regulations, which is reflected in the citations included above.

NMED has reviewed your response, dated June 28, 2018, to the Inspection. Based on that review, NMED has determined that the violation was adequately addressed and, therefore, no further action is required.

This Notice of Violation is considered an informal enforcement response in accordance with NMED's *Enforcement Response Protocol*. Please be aware that any future substantial deviations from regulatory requirements may result in your facility being considered for an elevated enforcement action. Also, be aware that any corrective action taken during our inspection, or in response to this letter, does not relieve WIPP of its obligation to comply with any and all other applicable laws and regulations.

If you have any questions regarding this letter, please contact Jaime Rodriguez of my staff at (505) 222-9569 or by email at jaime.rodriguez@state.nm.us.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

JEK: jr

cc: Janine Kraemer, NMED HWB
Frank Rodarte, NMED HWB
Jaime Rodriguez, NMED HWB
Ricardo Maestas, NMED HWB
Michael Kesler, NMED District III Manager

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