



Michelle Lujan Grisham  
Governor

Howie C. Morales  
Lt. Governor

NEW MEXICO  
ENVIRONMENT DEPARTMENT



ENTERED

Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6313  
Phone (505) 476-6000 Fax (505) 476-6030

[www.env.nm.gov](http://www.env.nm.gov)



James C. Kenney  
Cabinet Secretary

Jennifer J. Pruett  
Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUIRED**

March 27, 2019

Todd A. Shrader  
Manager  
Carlsbad Field Office  
Department of Energy  
P.O. Box 3090  
Carlsbad, NM 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:

Beginning on February 26, 2019, 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 Drive, Carlsbad, New Mexico ("Facility").

WIPP is a DOE facility accepts for disposal transuranic mixed waste from various DOE laboratories around the United States. The handling of these mixed wastes, and the maintenance of the facility and equipment, generates hazardous wastes such as flammable solids, hazardous waste batteries, misfired bolting cartridges, and used oil.

The Facilities' hazardous waste disposal permit is organized into modules and attachments. For the purpose of this Notice of Violation and Resolution, the module requirements are referred to as "permit conditions" or PCs.

Based on observations 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 40 Code of Federal Regulations ("CFR") 262.13. Furthermore, NMED has determined that WIPP has violated the New Mexico Hazardous Waste Management

190323



Regulations ("HWMR") 20.4.1 New Mexico Administrative Code ("NMAC") as specified below.

NMED inspectors observed the following violation:

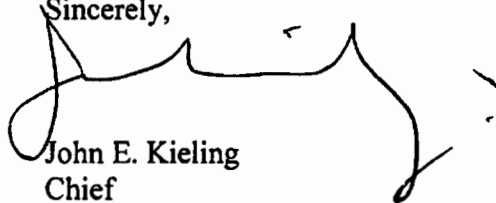
1. Failure to maintain sufficient aisle space at a hazardous waste storage area, which is a violation of 20.4.1.300 NMAC, incorporating 40 CFR § 262.255. Specifically, NMED inspectors observed 6 pallets of boxed hazardous waste batteries at a temporary Central Accumulation Area in the MgO shed. The pallets were side by side, with no aisle space between them.

NMED has determined that the violation was adequately addressed during the Inspection; 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 Aaron Coffman of my staff at 505-476-6019 or by email at [aaron.coffman@state.nm.us](mailto:aaron.coffman@state.nm.us).

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

JEK: ac

cc: Aaron Coffman, NMED HWB  
Janine Kraemer, NMED HWB  
Ricardo Maestas, NMED HWB  
Michael Kessler, NMED District III Manager

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