



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo
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Santa Fe, New Mexico 87502
(505) 827-1557
Fax (505) 827-1544



MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

February 5, 1998

George Dials, Manager
U.S. Department of Energy
Carlsbad Area Office (CAO)
P.O. Box 2078
Jal Highway
Carlsbad, N.M. 88221

Mr. Joseph L. Epstein, Gen. Manager
Westinghouse Electric Corp.
Waste Isolation Division
P.O. Box 2078
Jal Highway
Carlsbad, N.M. 88221

**RE: Letter of Violation
NM489139088**

Dear Messrs. Dials and Epstein:

On November 4, 1997 the New Mexico Environment Department (NMED) conducted a hazardous waste inspection of the Waste Isolation Pilot Plant (WIPP), regarding hazardous waste generator activities. The was limited in scope strictly to activities related to hazardous wastes currently being generated through routine activities at the facility. Based on our review of the information obtained, NMED has determined that WIPP has violated the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1) as specified below.

The violation is:

- Mr. Mike R. James failed to obtain his Hazardous Waste Worker refresher training within the required annual period. This is a violation of 20 NMAC 4.1.300, which incorporates federal regulation 40 CFR §262.34(a)(4).

In accordance with §74-4-10 NMSA 1978 (Repl. Pamp. 1993), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation of up to \$10,000.00 per day of non compliance with each violation or both; or (2) commence a civil action in district court for appropriate relief, including a

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Messrs. Dials and Epstein
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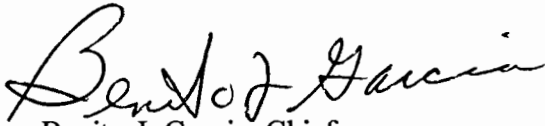
temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

At this time, NMED is suspending the enforcement options listed above if WIPP provides NMED with a satisfactory resolution to the violation or a detailed plan of corrective action acceptable to NMED within fifteen (15) working days of receipt of this letter. If NMED does not receive satisfactory information, then NMED reserves the right to initiate formal enforcement action.

Any action taken in response to this letter does not relieve WIPP of its obligation to comply with 20 NMAC 4.1 in other activities which it conducts, nor does it relieve WIPP of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this notice, please contact Mr. John M. Tymkowych at (505) 827-1508. Please address your response to Mr. Tymkowych's attention at the address on the letterhead.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

BJG:JMT:jmt

cc: Garrison McCaslin, NMED District IV Office
James Smith, Carlsbad Field Office
File