



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo Street
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PETER MAGGIORE
SECRETARY

August 17, 1999

Ines Triay, Ph.D.
Manager
Carlsbad Area Office
U.S. Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221

Dear Dr. Triay:

**RE: Letter of Violation
NM4890139088**

On July 19, 20 and 21, 1999, the New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) conducted a hazardous waste compliance evaluation inspection of your facility, the Waste Isolation Pilot Plant (WIPP). The inspection was conducted to determine WIPP's compliance with the requirements for generators and interim status facilities under the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1). Based on our inspection and 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 violations noted as a result of the inspection are as follows:

1. WIPP has failed to provide adequate aisle space for hazardous waste stored at the less than 90 day storage area located in Area 474. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR §262.34(a)(4).
2. WIPP has failed to label a container of hazardous waste located in the satellite accumulation area at Bldg. 455, maintenance shop. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR §262.34(c)(1)(ii).
3. WIPP has failed to comply with the requirements for a hazardous waste tank located at the bottom of the Exhaust Shaft in the Underground Facility. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR 262.34(a)(1)(i).

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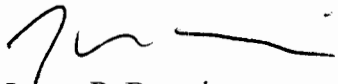
In accordance with §74-4-10 NMSA 1978 (Repl. Pamp. 1993), NMED may: (1) issue a compliance order requiring compliance immediately or within a specified time period or assessing a civil penalty for any past or current violation or both; or (2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction. Any such order issued may include a suspension or revocation of any permit issued by NMED.

At this time, NMED requires WIPP to provide a resolution to the violations or detailed plan of corrective action acceptable to NMED within fifteen working days of receipt of this letter. If NMED does not receive a satisfactory response, NMED may 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 all other applicable laws or regulations.

Thank you for the cooperation afforded our inspection staff while at WIPP. Should you have any questions regarding this letter, please contact John M. Tymkowych of my staff at (505) 827-1508.

Sincerely,



James P. Bearzi
Chief, Hazardous and Radioactive Materials Bureau

cc: Stu Dinwiddie, RCRA Permits Management Program Manager
Steve Zappe, WIPP Permit
Darwin Pattengale, NMED Dist. IV
James Smith, NMED Carlsbad
File – WIPP Blue '99