



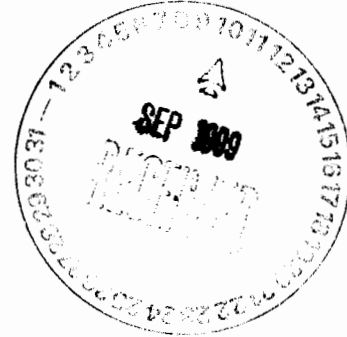
Department of Energy

Carlsbad Area Office
P. O. Box 3090
Carlsbad, New Mexico 88221

September 9, 1999

RECEIVED

Mr. James P. Bearzi, Chief
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
Hazardous and Radioactive Materials Bureau
Post Office Box 26110
Santa Fe, New Mexico 87502



Subject: Letter of Violation - NM4890139088

Dear Mr. Bearzi:

This responds to the above referenced letter of violation, dated August 17, 1999, in which the New Mexico Environment Department (NMED) requested that the Waste Isolation Pilot Plant (WIPP) report resolution of the concerns set forth in the letter or provide a detailed plan of corrective action. The following is our item-by-item response to the identified concerns:

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).

At the July 21, 1999 NMED inspection close out meeting, the NMED recommended that aisle spacing be maintained at greater than two-feet in Area 474. On that same day, July 21, 1999, the aisle spacing was immediately increased to greater than two-feet, pursuant to NMED recommendation. To assure maintenance of this aisle spacing, WIPP operational procedures will be changed, by September 30, 1999, to incorporate greater than two-feet aisle spacing.

2) WIPP has failed to label a container of hazardous waste located in the satellite accumulation area at Bldg. 454 maintenance shop. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR 262.34(c)(1)(ii).

The unlabeled container of Safety-Kleen parts washer solvent was immediately labeled and transferred to Area 474 on July 19, 1999. This waste is typically labeled; "This waste is being managed as hazardous waste pending characterization sampling." The waste is then stored in Area 474 where it is sampled and stored until analytical results are received. Labeling in this manner assures conservative handling until analysis is received and characterization is confirmed. This incident was determined to be inadvertent. Training to properly label containers has been given to personnel handling waste. However, to mitigate future incidents, additional training of appropriate personnel will be conducted by September 30, 1999.



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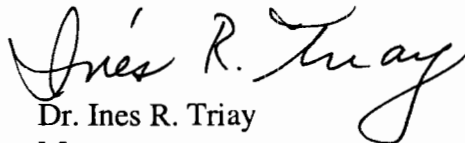


3) WIPP has failed to comply with the requirements of a hazardous waste tank located at the bottom of the Exhaust Shaft in the Underground Facility. This is a violation of 20 NMAC 4.1.300, which incorporates 40 CFR 262.34(a)(1)(ii).

This concern was the subject of a telephone conversation between John Tymkowych of the NMED's staff and Cynthia Zvonar of DOE staff on August 24, 1999. In that conversation, Mr. Tymkowych agreed to issue another letter clarifying this concern since the August 17, 1999 letter cited an incorrect CFR section, and was, therefore, confusing. He indicated the clarifying letter would allow Permittees 15 days from the date of receipt of that letter to provide a response. Permittees are still awaiting receipt of the clarifying letter and will respond to this concern within the time period provided by that letter.

If you have any questions or require additional information regarding the items discussed above, please contact Mr. George Basabilvaso of my staff at (505)-234-7488.

Sincerely,


Dr. Ines R. Triay
Manager



cc:

Mr. John M. Tymkowych, RCRA Enforcement Program Manager
Mr. Stu Dinwiddle, RCRA Permits Management Program Manager
Mr. Steve Zappe, WIPP Permit
Mr. Darwin Pattengale, NMED Dist. IV
Mr. James Smith, NMED Carlsbad
Joe Epstein, WID
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