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**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

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**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

April 24, 2020

Greg Sosson, Acting Manager  
Carlsbad Field Office  
Department of Energy  
P.O. Box 3090  
Carlsbad, New Mexico 88221-3090

Sean Dunagan, Project Manager  
Nuclear Waste Partnership, LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-2078

**RE: NEW MEXICO ENVIRONMENT DEPARTMENT GUIDANCE FOR THE  
HAZARDOUS WASTE FACILITY PERMIT AUDIT AND SURVEILLANCE PROGRAM  
DURING COVID-19 PREVENTATIVE MEASURES  
WASTE ISOLATION PILOT PLANT  
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Sosson and Dunagan:

The New Mexico Environment Department (“NMED”) received the Department of Energy’s and Nuclear Waste Partnership’s (collectively, the “Permittees”) Request for Extension of Time (“Request”), dated March 31, 2020, for certain inspections, reports, personnel training, and recertification audits specified in the Hazardous Waste Facility Permit (“Permit”) at the Waste Isolation Pilot Plant (“WIPP or the Facility”) due to Coronavirus Disease 2019 (“COVID-19”) preventive measures. The Request addressed four Permit-required items and was submitted pursuant to Permit Part 1, Section 1.10.3, *Extension of Time*.

On April 2, 2020, NMED responded to this Request, stating, “NMED hereby grants the Request for an extension of time for items 2, 3 and 4 above until the State of New Mexico Executive Order 2020-004 has been rescinded and the Facility resumes normal operating status. NMED will respond to Item 1: Permit Part 2, Section 2.3.2, *Audit and Surveillance Program* in a separate correspondence detailing additional guidance and expectations.”

Item 1 of the Request stated: “Permit Part 2, Section 2.3.2., *Audit and Surveillance Program*, requires; *The Permittees shall not manage, store, or dispose transuranic (TRU) mixed waste at WIPP from a generator/storage site until the following conditions have been met as necessary for the Secretary to determine that the applicable characterization requirements of Permit Section 2.3.1 have been implemented...Because of reduced staffing levels and because restrictions have been placed on business*

Messrs. Sosson and Dunagan

*travel, annual recertification audits of generator sites and associated audit reports may not be completed on schedule."*

Relevant to the Request, on March 16, 2020, the Department of Energy's Carlsbad Field Office ("CBFO") Office of Quality Assurance ("QA") submitted to NMED a revised audit plan for Recertification Audit A-20-14 of the Oak Ridge National Laboratory/Central Characterization Program (ORNL/CCP) being conducted April 21 – 23, 2020, stating: *"Due to heightened awareness and to decrease the potential development, spread, and impact of the acute respiratory illness, COVID-19, the audit team will not travel to the ORNL site. All audit activities will be conducted from Carlsbad, NM, or via teleconference April 21 -23, 2020. This will not be the normal method for performing recertification audits. The audit plan identifies the audit team members, as required by the Permit."*

NMED hereby grants the Request for an extension of time for Item 1 until the State of New Mexico Executive Order 2020-004 has been rescinded, with the following requirements:

1. Due to the atypical nature of the ORNL/CCP Audit A-20-14 revised audit plan, CBFO QA will describe how the Permit requirements were met for this audit in the Final Audit Report.
2. To address future recertification audits affected by COVID-19 preventive measures, CBFO QA will describe, in the audit plans which are submitted to NMED 30 days before each audit, how the Permit Waste Analysis Plan, Attachment C6, *Audit and Surveillance Program* requirements are met.
3. Regardless of any modified process to meet Permit requirements due to COVID-19 preventive measures, once normal waste characterization activities resume, at ORNL in particular and at all generator/storage sites shipping waste to WIPP in general, CBFO must return to site-specific audits, consistent with Permit requirements, conducted at each generator site to evaluate compliance with the Permit.

If you have any questions regarding this matter, please contact Ricardo Maestas of my staff at (505) 476-6050.

Sincerely,



Kevin Pierard  
Chief  
Hazardous Waste Bureau

cc: R. Maestas, NMED HWB  
D. Biswell, NMED HWB  
M. McLean, NMED HWB  
C. Catechis, NMED DOE/OB  
L. King, EPA Region 6  
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File: WIPP '20