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Cabinet Secretary

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Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

January 24, 2020

Gregory 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: FINAL DETERMINATION CLASS 2 PERMIT MODIFICATION REQUEST
AND INCORPORATION OF THREE CLASS 1 PERMIT MODIFICATIONS
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear: Messrs. Sosson and Dunagan:

The New Mexico Environment Department (“NMED”) hereby approves with changes one Class 2 Permit Modification Request (“PMR”) and acknowledges receipt of three Class 1 modifications to the Waste Isolation Pilot Plant (“WIPP”) Hazardous Waste Facility Permit (“Permit”). The Department of Energy (“DOE”) and Nuclear Waste Partnership (“NWP”) (collectively the “Permittees”) submitted the following modifications respectively:

- Class 2 PMR entitled “*Removal of Deteriorating/Non-Essential Water Level Monitoring Program Wells,*” dated October 25, 2019 and received on October 29, 2019.
- Class 1 modification, not requiring prior agency approval, to “*Update Co-Permittee Project Manager,*” dated September 16, 2019 and received on September 16, 2019.
- Class 1 modification, not requiring prior agency approval, to “*Update Panel Closure Information,*” dated December 12, 2019 and received on December 18, 2019.
- Class 1 modification, not requiring prior agency approval, to “*Update Department of Energy, Carlsbad Field Office Acting Manager,*” dated December 13, 2019 and received on December 17, 2019.

Messrs. Sosson and Dunagan
January 24, 2020

The Class 2 PMR was evaluated and processed by NMED in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(b)) and was subject to a 60-day public comment period running from October 27, 2019 through December 26, 2019. NMED received and responded to three written comments during the comment period. The Class 2 PMR as approved with changes is effective on February 23, 2020.

NMED has reviewed the three Class 1 modifications, and they have been incorporated into the Permit and are effective as requested by the Permittees under the conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)). The Permittees must send a notice to all persons on the facility mailing list within 90 calendar days as specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(a)(1)(ii)).

Attached is a CD containing the revised applicable sections of the Permit. Language that is deleted from the Permit is indicated by ~~redline strike out~~ and language added to the Permit is displayed in redline. Specific to the Class 2 PMR affecting Permit Attachment L, language displayed in ~~redline~~ ~~strikeout~~ gray highlight are changes that were proposed in the PMR by the Permittees that NMED did not incorporate, and associated language changes introduced by NMED are distinguished by redline yellow highlight. Please note that NMED has retained and updated Figure L-5. A clean final version of the applicable sections of the Permit is also included on the CD.

Further information on this administrative action, including NMED's response to comments and the final Permit, may be found on the NMED WIPP Information Page at <https://www.env.nm.gov/hazardous-waste/wipp/>.

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

Sincerely,



Stephanie Stringer
Director
Resource Protection Director

cc: K. Pierard, NMED HWB
R. Maestas, NMED HWB
D. Biswell, NMED HWB
M. McLean, NMED HWB
C. Catechis, NMED DOE-OB
M. Brown, DOE CBFO
R. Chavez, NWP
L. King, EPA Region 6
T. Peake, EPA ORIA
File: WIPP '20