



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6313
Phone (505) 476-6000 Fax (505) 476-6030
www.env.nm.gov



James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

April 6, 2021

Reinhard Knerr, Manager
Carlsbad Field Office
Department of Energy
PO Box 3090
Carlsbad, NM 88221-3090

Sean Dunagan, Project Manager
Nuclear Waste Partnership LLC
PO Box 2078
Carlsbad, NM 88221-2078

**RE: PROPOSED SCOPE, TIMELINES, CONTRACTOR FOR SECOND TRIENNIAL REVIEW
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Knerr and Dunagan:

The New Mexico Environment Department ("NMED") has received the Department of Energy's ("DOE") and Nuclear Waste Partnership's ("NWP") (collectively, the "Permittees") letter containing the Waste Isolation Pilot Plant ("WIPP") 2021 Second Triennial Review proposed regulatory scope, timelines, and selected third-party contractor, dated March 18, 2021.

A Settlement Agreement and Stipulated Final Order ("SFO") was entered into between NMED and the Permittees, on January 22, 2016, to resolve Compliance Order HWB-14-20, issued to the Permittees on December 6, 2014.

Paragraph 34 of the SFO required the Permittees to fund independent external triennial reviews of environmental regulatory compliance and operations at WIPP to ensure that regulatory deficiencies are identified. As required per paragraph 34a of the SFO, the Permittees submitted scope of work and guidelines for the 2018 First Triennial Review Supplemental Environmental Project to NMED on January 20, 2017 for review and approval. The scope of work was approved by NMED on February 3, 2017.

In the referenced March 18, 2021 letter, the Permittees propose to perform the 2021 Second Triennial Review according to the previously approved scope of work with the following exceptions, detailed in two enclosures accompanying the letter:

- The regulatory scope outlined in Table 1, *Environmental Regulations*;

Messrs. Knerr and Dunagan

- The timelines outlined in Table 2, *Triennial Review Team Reporting Requirements to the STR*, and Section 6.0, *First WIPP Triennial Review Milestones*;
- The STR will cover the time period subsequent to the First Triennial Review, with a cut-off date of December 31, 2020; and
- Updated documents, including those listed in Section 9.0 of the First Scope of Work and Guidelines, which will be used to facilitate the review will be provided to the third-party subcontractor, as needed.

NMED has reviewed and hereby approves the updated scope and timelines for the 2021 Second Triennial Review. NMED acknowledges the selection of Firewater Associates, LLC as the independent contractor to perform this second review. As stated in the February 3, 2017 approval, NMED may attend all future triennial reviews, including but not limited to status meetings, close-out meeting, or other activities during a triennial review. Prior notification (to support logistics, planning, etc.) will be provided to the Respondents [Permittees] by NMED to support this activity.

If you have any questions, please contact Ricardo Maestas of my staff at 505-476-6050.

Sincerely,

Ricardo Maestas Digitally signed by Ricardo Maestas
Date: 2021.04.06 11:07:33 -06'00'

for

Kevin M. Pierard, Chief
Hazardous Waste Bureau

cc: C. Weatherly, NMED OGC
R. Maestas, NMED HWB
D. Biswell, NMED HWB
M. McLean, NMED HWB
N. Barka, NMED HWB
B. Masse, NMED DOE-OB
M. Brown, DOE CBFO
R. Chavez, NWP
L. King, EPA Region 6
T. Peake, EPA ORIA
File: WIPP '21