Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221

August 26, 2026

Mr. JohnDavid Nance, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87508-6303

Subject: Waste Isolation Pilot Plant Fourth Triennial Review

References: 1) The Settlement Agreement and Stipulated Final Order No. HWB-14-21 (CO), January 22, 2016

2) New Mexico Environment Department letter dated February 3, 2017 from John, E. Kieling, Chief, Hazardous Waste Bureau, to Todd A. Shrader, Manager, U.S. Department of Energy Carlsbad Field Office and Philip J. Breidenbach, Project Manager, Nuclear Waste Partnership LLC; Subject: Triennial Review Scope of Work and Guidelines for Settlement Agreement and Stipulated Final Order No. HWB-14-21 Supplemental Environmental Projects Paragraph 34(a) Waste Isolation Pilot Plant EPA I.D.# NM4890139088

3) CBFO letter CBFO:OEP:GTB:AC:17-1003:UFC 5486.00 dated January 20, 2017 from Todd A. Shrader, Manager, U.S. Department of Energy Carlsbad Field Office and Philip J. Breidenbach, Project Manager, Nuclear Waste Partnership LLC to John E. Kieling Chief, Hazardous Waste Bureau; Subject: Triennial Review Scope of Work and Guidelines for Settlement Agreement and Stipulated Final Order No. HWB-14-21 Supplement Environment Projects Paragraph 34(a),

Dear Mr. Nance:

The purpose of this letter is to request the New Mexico Environmental Department's (NMED) approval of the proposed regulatory scope and timeline for the Waste Isolation Pilot Plant (WIPP) Fourth Triennial Review. The regulatory scope has been extracted from the list of applicable environmental regulations contained in the *First Waste Isolation Pilot Plant Project Triennial Review Scope of Work and Guidelines* (First SOW and Guidelines). This letter is also to notify you of the selected third-party contractor for the performance of the Fourth Triennial Review.

The Fourth Triennial review will be performed in accordance with the First Scope of Work (SOW) and Guidelines, which the NMED approved on February 03, 2017, with the following exceptions:

- The regulatory scope outlined in Table 1, *Environmental Regulations*
- The timeline outlined in Table 2, *Triennial Review Team Reporting Requirements to the STR,* and Section 6.0, *First WIPP Triennial Review Milestones*
- The Fourth Triennial Review will cover the time period subsequent to the Third Triennial Review, which had a cut-off date of December 31, 2023. The review time period will be January 1, 2024, through December 31, 2026.

- Updated documents, including applicable documents listed in Section 9.0 of the First SOW and Guidelines, which will be used to facilitate the review, will be provided to the third-party subcontractor, as needed.

The proposed regulatory scoping table and updated timeline for the Fourth Triennial Review are being provided in Enclosure 1, respectively. No other changes are being made to the First SOW and Guidelines. The Fourth Triennial Review is planned to be completed before the end of fiscal year 2027.

The Permittees have identified Firewater Associates, LLC, to perform the Fourth Triennial Review. This independent firm is the same contractor that was used for the previous Triennial Reviews and selected in accordance with Paragraph 34 of the referenced Settlement Agreement and Stipulated Final Order (Agreement). This firm is independent (does not participate in the compliance activities being reviewed) and is external (is not a WIPP project participant and not a regulatory agency that has regulatory authority over the WIPP project).

Because the change in the regulatory scope and timeline amends the First SOW and Guidelines, your approval is required in accordance with Paragraph 34(a) of the Agreement. Please indicate your approval of the proposed regulatory scope and timeline for the Third Triennial Review (Enclosure 1).

We certify under penalty of law that this document and the attachments were prepared under our direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on our inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of our knowledge and belief, true, accurate, and complete. We are aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Mr. Michael Gerle, Director, Environmental Regulatory Compliance Division, is your point of contact regarding any technical questions or comments. Mr. Gerle can be reached at (575) 988-5372.

Sincerely,

Signatures on File

Mark Bollinger
Manager
Carlsbad Field Office

Ken Harrawood
Program Manager
Salado Isolation Mining Contractors, LLC

Enclosure

cc: w/enclosure
M. Toothman, CBFO *ED
M. Hall, CBFO ED
M. Gerle, CBFO ED

CBFO:ERCD:MG:RS:26-0611

C. Gadbury, CBFO	ED
V. Ballew, CBFO	ED
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Z. Lepchitz, CBFO	ED
V. Diaz, NMED	ED
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R. Maestas, NMED	ED
M. McLean, NMED	ED
B. Moffet, NMED	ED
W. Bauer, SIMCO	ED
R. Chavez, SIMCO	ED
D. Danford, SIMCO	ED
S. Davis, SIMCO	ED
A. Dunn, SIMCO	ED
R. Flynn, SIMCO	ED
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T. Hobbes, SIMCO	ED
J. Hower, SIMCO	ED
M. Jones, SIMCO	ED
R. Lee, SIMCO	ED
R. Salness, SIMCO	ED
J. Settle, SIMCO	ED
S. Strong, SIMCO	ED
A. Waldram, SIMCO	ED
M. Cook, LATA	ED
D. Ganaway, LATA	ED
J. Haschets, LATA	ED
S. Harper, LATA	ED
M. Serrano, LATA	ED
E. Dominguez, LATA	ED
K. Urquidez, LATA	ED
E. Bhakta, SIMCO	ED
B. St. John, SIMCO	ED
SIMCO WRMO	ED

*ED denotes electronic distribution

Enclosure 1

3 Pages

Enclosure 1 - Scope and Timeline of the Fourth Triennial Review

TABLE 1 – ENVIRONMENTAL REGULATIONS*

Applicable Environmental Statute or Regulation	Focus of the Review	Included in First Review	Included in Second Review	Included in Third Review	Focused Scope for Fourth Review**
		YES	YES	YES	YES
Resource Conservation and Recovery Act (RCRA) (and New Mexico implementation through the **HWA**)	Processes and procedures to assure compliance to the operational requirements and compliance to requirements for the accumulation and retention of records and monitoring data Corrective actions taken to prevent the recurrence of non-compliances	✓	✓	✓	✓
Clean Air Act (CAA) (including the **National Emission Standards for Hazardous Air Pollutants (NESHAPs)** and the **New Mexico Air Quality Act)**	Processes and procedures to assure compliance and the accumulation of required monitoring data		✓	✓	
Clean Water Act (CWA) (and the **New Mexico Water Quality Act**)	Processes for controlling permitted discharges and the collection of monitoring data for reporting to the NMED	✓	✓	✓	✓
Safe Drinking Water Act (and the **New Mexico Drinking Water Regulations**)	Processes and procedures to ensure timely sampling and reporting of facility drinking water quality and identification of and remediation of system repairs		✓		
New Mexico Solid Waste Act	Procedures for implementation and the reporting requirements		✓	✓	
Emergency Planning and Community Right to Know Act (EPCRA) (and the **New Mexico Hazardous Chemicals Information Act**)	Processes for reporting spills and the processes to accumulate and report the required information annually			✓	
New Mexico Ground Water Protection Act	Procedures to identify and report releases from underground storage tanks				

Applicable Environmental Statute or Regulation	Focus of the Review	Included in First Review	Included in Second Review	Included in Third Review	Focused Scope for Fourth Review**
		YES	YES	YES	YES
Toxic Substances Control Act (TSCA) and polychlorinated biphenyl (PCB) Conditions of Approval	Processes and procedures to assure compliance to the operational requirements and compliance to the requirements for the accumulation and retention of records and monitoring data	✓		✓	
Atomic Energy Act (AEA) and Environmental Protection Agency (EPA)	Processes for the collection and reporting of information required by the most recent Compliance Certification	✓			
DOE Order 231.1B, Admin Change 1, (Environment, Safety, and Health Reporting)	Procedures for implementation and the reporting requirements	✓			
DOE Order 151.1D, Admin Change 1 (Comprehensive Emergency Management System)	Procedures for implementation and the reporting requirements				
DOE Policy 451.1 (NEPA Compliance Program)	Procedures for implementation and the reporting requirements				
National Environmental Policy Act (NEPA)	Procedures for identifying decisions that require NEPA review and the process for conducting the review			✓	
DOE Order 458.1, Change 3 (Radiation Protection of the Public)	Procedures for implementation and the reporting of environmental requirements	✓			
Comprehensive Environmental Response, Compensation, and Liability Act	Processes for determining reportable quantities.			✓	
Federal Insecticide, Fungicide, and Rodenticide Act (and the **New Mexico Pesticide Control Act**)	Assure only licensed applicators are used at WIPP Project facilities			✓	

* Additionally, the scope may include evaluations of the continued effectiveness of corrective actions taken to address findings/observations that resulted from the previous Triennial Reviews.

** Each of the focus areas includes an evaluation of the proper operation and maintenance requirements, as appropriate.

TABLE 2 -FOURTH TRIENNIAL REVIEW MILESTONES AND TIMELINE

Task	Finish Date
First Pre-Review Meeting	Within one week of subcontract award
Review Plan	Within two weeks of subcontract award
Second Pre-Review Meeting – Collect and Review Background Information	October 21, 2026 (Wednesday)
Final Pre-Review Meeting – Review Checklist	November 4, 2026 (Wednesday)
Conduct Review Activities	November 5, 2026 – July 31, 2027
Draft Report and Comment Resolution	August 31, 2027 (Tuesday)
Final Report	September 30, 2027 (Thursday)