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Governor

JOHN A. SANCHEZ
Lieutenant Governor

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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BUTCH TONGATE
Cabinet Secretary

BRUCE YURDIN
Acting Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

December 31, 2018

Todd Shrader, Manager
Carlsbad Field Office
Department of Energy
PO Box 3090
Carlsbad, NM 88221-3090

Bruce C. Covert, Project Manager
Nuclear Waste Partnership, LLC
PO Box 2078
Carlsbad, NM 88221-2078

**RE: CLOSEOUT OF ADMINISTRATIVE ORDER 2 AND ADMINISTRATIVE ORDER 3
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Shrader and Covert:

On December 14, 2018, the Department of Energy and Nuclear Waste Partnership, LLC (collectively, the "Permittees") submitted a letter ("Request") requesting the New Mexico Environment Department ("NMED") to closeout Administrative Order 2 ("AO2") dated May 12, 2014 and Administrative Order 3 ("AO3") dated May 20, 2014.

The Permittees stated in the Request that the requirements for AO2 and AO3 have been completed and provided evidence to support their request. Specifically, AO2 is complete based on the final closure plan that has been approved by NMED in the Final Determination for Class 3 Permit Modification for the WIPP Panel Closure Plan ("Class 3 Modification"), dated September 7, 2018. The requirements of AO3 are complete based upon the completion of the required actions including the closure of Room 7 of Panel 7 and the initial closure of Panel 6 pursuant to the Nitrate Salt Bearing Waste Container Isolation Plan and approval of the Class 3 Modification.

A brief summary of the AOs, Settlement Agreement and associated details are provided below:

- On February 27, 2014, NMED issued the Permittees Administrative Order 1 (“AO1”) to address all aboveground Permit requirements and related inspections, monitoring, recordkeeping, and reporting.
- On May 12, 2014, NMED issued AO2 to address the underground Permit requirements and related inspections, monitoring, recordkeeping and reporting.
- On May 20, 2014, NMED issued AO3 to address the isolation of Nitrate Salt Bearing Waste containers at WIPP and required the submittal of an *Isolation Plan*.
- On December 6, 2014, NMED issued Administrative Compliance Order (“ACO”) HWB-14-21 for violations of the Hazardous Waste Act, the Hazardous Waste Management Regulations and the Permit.
- On January 22, 2016, NMED and the Permittees signed a Settlement Agreement for the purpose of resolving the December 6, 2014 ACO.
- On December 16, 2016, NMED issued a letter to the Permittees closing out AO1 and approving the resumption of normal operating status at WIPP.
- On September 7, 2018, NMED issued the Final Determination for Class 3 Permit Modification for the WIPP Panel Closure Plan. The effective date of the permit decision was on October 8, 2018.

NMED has reviewed the request and supporting evidence for the closure of AO2 and AO3. NMED hereby grants the Request for closure of AO2 and AO3. The provisions of AO2 and AO3 and their associated reporting requirements shall cease upon receipt of this letter. The quarterly report dated October 29, 2018, will be the last report required to be submitted to NMED.

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

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: J. Hower, NMED OGC
J. Kieling, NMED HWB
R. Maestas, NMED HWB
D. Biswell, NMED HWB

Messrs. Shrader and Covert

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File: WIPP '18