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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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James C. Kenney
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Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 12, 2019

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: CORRECTIVE ACTIONS FOR FINDINGS OF FIRST TRIENNIAL REVIEW
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Shrader and Covert:

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 2018 First Triennial Review for the Waste Isolation Pilot Plant ("WIPP") Findings and Observations Status Report, dated April 29, 2019.

A Settlement Agreement and Stipulated Final Order ("SFO") was entered into between the Hazardous Waste Bureau of 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 triennial review Supplemental Environmental Project to

NMED on January 20, 2017 for review and approval. The scope of work was approved on February 3, 2017.

Firewater Associates, LLC ("Firewater"), the independent contractor hired by the Permittees to conduct the first triennial review, submitted its report to the Permittees on September 7, 2018. The report was finalized upon submittal to NMED on September 19, 2018 and made publicly available. The SFO required that all open potential regulatory deficiencies identified during the independent triennial review be corrected within sixty (60) calendar days (i.e., November 17, 2018) of finalization of the report. Two of the five findings (Findings 1 and 5) were closed during the review period and were documented in the report. The three remaining findings (Findings 2, 3 and 4) were training related: The corrective actions associated with Finding 2 were completed on November 13, 2018 and the corrective actions associated with Findings 3 and 4 were addressed during implementation of the approved Class 2 Permit modification entitled "*Training Program Revisions*" and were closed prior to July 19, 2018. Therefore, the corrective actions associated with all five findings were completed within 60 calendar days of finalization of the report.

NMED has conducted a review of both the report and the evidence presented of the corrective actions taken to close the findings. NMED concurs with the Permittees that the findings in the Firewater report of the first triennial review have been adequately addressed. If you have any questions, please contact Ricardo Maestas of my staff at (505) 476-6050.

Sincerely,



John E. Kieling
Chief

Hazardous Waste Bureau

cc: R. Maestas, NMED HWB
D. Biswell, NMED HWB
M. McLean, NMED HWB
S. Lucas-Kamat, NMED DOE/OB
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File: WIPP '19