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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 23, 2008

David Moody, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Farok Sharif, President
Washington TRU Solutions LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-5608

**RE: FINAL DETERMINATION, CLASS 3 MODIFICATION REQUEST FOR NO FURTHER ACTION
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088**

Dear Dr. Moody and Mr. Sharif:

The New Mexico Environment Department (NMED) hereby approves the Class 3 permit modification request (PMR) to the WIPP Hazardous Waste Facility Permit as submitted to the Hazardous Waste Bureau in the following documents:

- Request for Class 3 Permit Modification (NFA), Letter Dated 8/27, Rec'd 9/4/07

The following item was included in this submittal:

1. Modify the permit to reflect the determination by NMED that no further action is necessary to investigate fifteen Solid Waste Management Units (SWMUs) and eight Areas of Concern (AOCs) at WIPP.

The Class 3 PMR was evaluated and processed in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(c)). It was subject to an initial 60-day public comment period running from September 1 through October 30, 2007, during which NMED received written specific comments from one individual and one organization. NMED then issued a draft permit on March 7, 2008, accompanied by a fact sheet and public notice announcing a 60-day public comment period running from March 7 through May 6, 2008 and an

opportunity for public hearing. By the conclusion of the public comment period on the draft permit, NMED had received no public comments on the draft permit and no request for a public hearing.


NMED approves draft permit without change. The attachment contains the redline/strikeout pages of the modified permit to help the reader rapidly identify each modification. Language deleted from the permit is ~~stricken out~~. Language added to the permit is highlighted in red line. Also enclosed is a CD-ROM containing the modified files in WordPerfect 12 redline/strikeout format as well as files with markings and comments removed. An electronic version of the modified permit with markings removed will be publicly posted on the NMED WIPP Information Page at <<http://www.nmenv.state.nm.us/wipp/download.html>>.

For purposes of version control, please note that NMED has established the date of these modified pages as October 23, 2008. The effective date of the revised Permit is November 22, 2008, which is 30 days after approval of this modification.

NMED has provided full response to all public comments under separate cover.

If you have any questions regarding this matter, please contact Steve Zappe of my staff at (505) 476-6051.

Sincerely,

for 
Marcy Leavitt
Director
Water and Waste Management Division

ML/soz

Attachment – redline/strikeout pages

cc: James Bearzi, NMED HWB
John Kielling, NMED HWB
Chuck Noble, NMED OGC
Steve Zappe, NMED HWB
Thomas Kesterson, NMED DOE-OB
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
Connie Walker, Trinity Engineering
File: Red WIPP '08

Attachment
Redline/Strikeout Pages

TABLE 2
SWMUS REQUIRING AN RFI

SWMU NUMBER	NAME
Reserved	Reserved
Drilling Mud Pits (13 SWMUs)	
SWMU 001g	H-14/P-1 Mud Pit (s)
SWMU 001h	H-15/P-2 Mud Pit (s)
SWMU 001j	P-3 Mud Pit
SWMU 001k	P-4 Mud Pit
SWMU 001l	WIPP-12/P-5 Drilling Mud Pit(s)
SWMU 001m	P-6 Mud Pit
SWMU 001n	P-15 Mud Pit
SWMU 001o	Badger Unit Drilling Mud Pit(s)
SWMU 001p	Cotton Baby Drilling Mud Pit(s)
SWMU 001q	DOE-1 Drilling Mud Pit(s)
SWMU 001s	ERDA-9 Mud Pit
SWMU 001t	IMC-374 Mud Pit
SWMU 001x	WIPP-13 Drilling Mud Pit(s)
Storage Yard (1 SWMU)	
SWMU 004a	Portacamp Storage Yard, West Side
Evaporation Pond (1 SWMU)	
SWMU 007b	SW Evaporation Pond

TABLE 2A
SWMUS NOT REQUIRING AN RFI

SWMU NUMBER	NAME
TRU Mixed Waste Management Unit (3 6 SWMUs)	
SWMU 013a	Waste Handling Building Unit
SWMU 013b	Parking Area Unit
SWMU 013c	Underground HWDU - Panel 1
SWMU 013d	Underground HWDU - Panel 2
SWMU 013e	Underground HWDU - Panel 3
SWMU 013f	Underground HWDU - Panel 4

TABLE 3
AOCs INCLUDED IN THE PERMIT

AOC NUMBER & (NAME)	RATIONALE FOR INCLUSION
Reserved	Reserved
Drilling Mud Pits (6 AOCs)	
001r (D-123)	Presence of hazardous constituents not precluded, release potential to the soil medium is high.
001u (IMC-376)	Presence of hazardous constituents not precluded, release potential to the soil medium is high.
001v (IMC-456)	Presence of hazardous constituents not precluded, release potential to the soil medium is high.
001w (IMC-457)	Presence of hazardous constituents not precluded, release potential to the soil medium is high.
001ac (DSP-207)	Presence of hazardous constituents not precluded, release potential to the soil medium is high.
001ae (IMC-377)	Presence of hazardous constituents not precluded, release potential to the soil medium is high.
Mine Shaft Sumps (2 AOCs)	
010b (Waste Handling Shaft Sump)	Hazardous constituents have been released, the extent of release has not been determined.
010c (Exhaust Shaft Sump)	Hazardous constituents have been released, the extent of release has not been determined.

TABLE 4
SWMUS/AOCS REQUIRING NO FURTHER ACTION

SWMU/AOC NUMBER	NAME	COMMENTS
SWMU 001g	H-14/P-1 Mud Pit (s)	NFA granted 5/19/2008
SWMU 001h	H-15/P-2 Mud Pit (s)	NFA granted 5/19/2008
SWMU 001j	P-3 Mud Pit	NFA granted 5/19/2008
SWMU 001k	P-4 Mud Pit	NFA granted 5/19/2008
SWMU 001l	WIPP-12/P-5 Drilling Mud Pit(s)	NFA granted 5/19/2008
SWMU 001m	P-6 Mud Pit	NFA granted 5/19/2008
SWMU 001n	P-15 Mud Pit	NFA granted 5/19/2008
SWMU 001o	Badger Unit Drilling Mud Pit(s)	NFA granted 5/19/2008
SWMU 001p	Cotton Baby Drilling Mud Pit(s)	NFA granted 5/19/2008
SWMU 001q	DOE-1 Drilling Mud Pit(s)	NFA granted 5/19/2008
SWMU 001s	ERDA-9 Mud Pit	NFA granted 5/19/2008
SWMU 001t	IMC-374 Mud Pit	NFA granted 5/19/2008
SWMU 001x	WIPP-13 Drilling Mud Pit(s)	NFA granted 5/19/2008
SWMU 004a	Portacamp Storage Yard, West Side	NFA granted 5/19/2008
SWMU 007b	SW Evaporation Pond	NFA granted 5/19/2008
AOC 001r	D-123 Mud Pit	NFA granted 5/19/2008
AOC 001u	IMC-376 Mud Pit	NFA granted 5/19/2008
AOC 001v	IMC-456 Mud Pit	NFA granted 5/19/2008
AOC 001w	IMC-457 Mud Pit	NFA granted 5/19/2008
AOC 001ac	DSP-207 Mud Pit	NFA granted 5/19/2008
AOC 001ae	IMC-377 Mud Pit	NFA granted 5/19/2008
AOC 010b	Waste Handling Shaft Sump	NFA granted 5/19/2008
AOC 010c	Exhaust Shaft Sump	NFA granted 5/19/2008