



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1

Santa Fe, New Mexico 87505-6303

Phone (505) 476-6000 Fax (505) 476-6030

www.nmenv.state.nm.us



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 25, 2009

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: ADMINISTRATIVE COMPLETENESS DETERMINATION OF THE AMENDED PERMIT
RENEWAL APPLICATION
WIPP HAZARDOUS WASTE FACILITY PERMIT
EPA I.D. NUMBER NM4890139088
HWB-WIPP-09-006**

Dear Dr. Moody and Mr. Sharif:

On August 31, 2009, the New Mexico Environment Department (NMED) conditionally granted a request from the Department of Energy's Carlsbad Field Office and Washington TRU Solutions LLC (**the Permittees**) to extend the submittal due date for an amended Hazardous Waste Facility Permit Renewal Application (**Renewal Application**) for the Waste Isolation Pilot Plant (**WIPP**). Two of NMED's conditions in granting the extension required that the Renewal Application be based upon the WIPP permit in effect on May 22, 2009, with only limited changes, and that it be submitted no later than September 25, 2009. The Permittees fulfilled both of these conditions in their September 25, 2009, submittal of an amended Renewal Application dated September 24, 2009, as specified in Permit Conditions I.B.2 and I.E.3 and 20.4.1.900 NMAC (incorporating 40 CFR §§ 270.10(h) and 270.30(b)). The Renewal Application seeks to renew the permit for the container storage units and underground hazardous waste disposal units at WIPP that have been operating under the current RCRA hazardous waste facility permit issued on October 27, 1999. The Renewal Application also seeks to add one new underground hazardous waste disposal unit to the permit.

NMED has determined the Renewal Application to be administratively complete and that it constitutes a timely and complete application, as specified in 20.4.1.900 NMAC (incorporating 40 CFR § 270.51(a)). In accordance with Permit Condition I.E.4 Continuation of Expiring Permits, the current hazardous waste facility permit shall remain in effect until the effective date of the new permit, because NMED will not have issued a new permit on or before November 26, 2009, the expiration date of the current permit.

NMED may request from the Permittees additional technical information when necessary to clarify, modify, or supplement previously submitted material.

The New Mexico Hazardous Waste Permit and Corrective Action Fee Regulations, 20.4.2 NMAC, require the assessment of fees when administrative review of a document is complete. Such assessment of fees will be made under separate correspondence.

If you have any questions regarding this matter, please contact me at (505) 476-6035 or Steve Zappe at (505) 476-6051.

Sincerely,

//Original Signature on File\\

James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:soz

cc: John Kieling, NMED HWB
Steve Zappe, NMED HWB
Chuck Noble, NMED OGC
Laurie King, EPA Region 6
Tom Peake, EPA ORIA
Connie Walker, Trinity Engineering
File: Red WIPP '09