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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 24, 2016

Todd A. Shrader, Manager
Carlsbad Field Office
Department of Energy
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Philip J. Breidenbach, Project Manager
Nuclear Waste Partnership, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

**RE: CERTIFICATION OF COMPLETION FOR SETTLEMENT AGREEMENT AND
STIPULATED FINAL ORDER NO. HWB-14-21
SUPPLEMENTAL ENVIRONMENTAL PROJECTS PARAGRAPH 35
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Shrader and Breidenbach:

On January 22, 2016, Settlement Agreement and Stipulated Final Order ("Agreement") No. HWB-14-21 between the New Mexico Environment Department ("NMED") and the United States Department of Energy ("DOE") and Nuclear Waste Partnership, LLC ("NWP") (collectively the "Respondents") became final for the purpose of resolving Compliance Order No. HWB-14-21, issued to the Respondents on December 6, 2014. Section B, paragraphs 32 through 36 of the Agreement contains information on the Supplemental Environmental Projects ("SEPs") which include the funding for and timelines to complete the following respectively: Paragraph 33; WIPP designated route repairs; Paragraph 34, Triennial Reviews of environmental compliance and operations; Paragraph 35, enhanced training and capabilities for local emergency responders; and Paragraph 36, the construction of and equipment for an emergency operations center near WIPP.

Paragraph 32 of the Agreement states in part:

“Upon completion of each SEP, Respondents shall submit a signed and sworn Certification of Completion, executed by their authorized representatives, including the pertinent attachments and data related to the final implementation of each SEP, to NMED for approval within thirty (30) calendar days after the completion of each SEP. Following completion of a SEP and submittal of a Certification of Completion, NMED will review and provide Respondents with written approval certifying satisfactory completion of each SEP, or alternatively, written correspondence identifying the specific reason(s) why the SEP or Certification of Completion is deficient. The Respondents shall have an opportunity to correct any deficiencies and/or supplement the Certification of Completion before resubmitting to NMED for approval.”

On May 11, 2016 the Permittees submitted a Certification of Completion with pertinent attachments and data related to the final implementation for the SEP in Paragraph 35 of the Agreement.

Paragraph 35 of the Agreement states:

“Within ninety (90) calendar days of the effective date of this Settlement Agreement, the Respondents shall obligate \$ 1 million to fund enhanced training and capabilities for local emergency responders, including funding for training and exercises with local mine rescue teams, in and around Carlsbad, NM that exist at the time this Settlement Agreement is signed. The Respondents shall complete all requirements contained in this paragraph and submit Certification of Completion by the end of federal fiscal year 2016.”

NMED has reviewed the submitted information and hereby notifies the Respondents that the SEP in paragraph 35 of the Agreement has been satisfactorily completed. If you have any questions regarding this matter, please contact Ricardo Maestas, at (505) 476-6050, or John Kieling, at (505) 476-6035.

Sincerely,



Kathryn Roberts
Director
Resource Protection Division

cc: J. Hower, NMED General Counsel
J. Kieling, NMED HWB
R. Maestas, NMED HWB
S. Lucas-Kamat, NMED DOEOB
L. King, EPA Region 6
T. Peake, EPA ORIA
Reading and File: WIPP 2016