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GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**

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RON CURRY  
SECRETARY

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DEPUTY SECRETARY

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

April 20, 2007

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

Mr. Richard D. Raaz, President  
Washington TRU Solutions LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-5608

**RE: APPROVAL OF WIPP NO FURTHER ACTION PETITION FOR SOLID WASTE  
MANAGEMENT UNITS AND AREAS OF CONCERN  
WASTE ISOLATION PILOT PLANT  
EPA I.D. NUMBER NM4890139088**

Dear Dr. Moody and Mr. Raaz:

The New Mexico Environment Department (NMED) has reviewed *WIPP No Further Action Petition for Solid Waste Management Units and Areas of Concern*, dated September 2002, submitted by the Department of Energy's Carlsbad Field Office and Washington TRU Solutions LLC (the Permittees) on October 8, 2002. As mentioned in NMED's February 9, 2006 letter, NMED considers this document equivalent to a Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI) Report and reviewed it as such.

NMED hereby approves *WIPP No Further Action Petition for Solid Waste Management Units and Areas of Concern* as an RFI Report. Based on the review, the Solid Waste Management Units (SWMUs) 001h, 001j, 001k, 001l, 001m, 001n, 001o, 001p, 001q, 001s, 001t, 001x, 004a, and 007b listed in Permit Module VII, Table 2, are eligible for no further action (NFA).

Based on additional field sampling conducted by the Permittees on April 20, 2006, the Areas of Concern (AOCs) 001r, 001u, 001v, 001w, 001ac, and 001ae listed in Permit Module VII, Table 3, are also eligible for NFA. Likewise, based on additional field sampling conducted by the

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Permittees on January 31, 2007, SWMU 001g listed in Permit Module VII, Table 2, is also eligible for NFA.

In order to initiate actions for a Class 3 permit modification, the Permittees must submit a letter to NMED requesting such modification in accordance with 20.4.1.900 NMAC (incorporating 40 CFR §270.42(c)) to remove these SWMUs and AOCs from the permit. Such request should cite the above referenced RFI Report and the two additional sampling events, and propose deleting the SWMUs and AOCs on Tables 2 and 3 in Module VII and listing them on a new Table 4 entitled "SWMUs/AOCs Requiring No Further Action".

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

Sincerely,

 Signature redacted for posting purposes

  
John E. Kieling  
Program Manager  
Permits Management Program

JEK:soz

cc: James Bearzi, NMED HWB  
Steve Zappe, NMED HWB  
Chuck Noble, NMED OGC  
Dean Foster, NMED DOEBOB  
Laurie King, EPA Region 6  
Tom Peake, EPA ORIA  
Connie Walker, Trinity Engineering  
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