



**THE ADMINISTRATOR**  
WASHINGTON, D.C. 20460

April 22, 2025

The Honorable Chris Wright  
Secretary of Energy  
1000 Independence Avenue, SW  
Washington, D.C. 20585

Dear Mr. Secretary:

On October 30, 2024, the U.S. Department of Energy submitted the Biennial Environmental Compliance Report for the Waste Isolation Pilot Project. This report, which addresses the period from April 1, 2022, to March 31, 2024, was submitted in accordance with section 9(a)(2) of the WIPP Land Withdrawal Act, Pub. L. No. 102-579 (Oct. 30, 1992), which requires that DOE document WIPP's continued compliance with various public health and safety or environmental laws, regulations and permit requirements. LWA section 9(a)(3) provides that, after receiving the BECR, the U.S. Environmental Protection Agency or the State of New Mexico, as appropriate, shall determine whether WIPP is in compliance with these laws, regulations and permit requirements. As further discussed below, based on the BECR and EPA's review, the agency has determined that WIPP is in compliance with the federal laws, regulations and permit requirements described in section 9(a)(1) of the LWA.

Under the Resource Conservation and Recovery Act (also referred to as the Solid Waste Disposal Act), EPA has authorized New Mexico to implement its hazardous waste program. In accordance with that authorization, the New Mexico Environment Department permits the disposal of chemically hazardous waste materials at WIPP. For the BECR, the NMED documents the DOE's compliance with the Solid Waste Disposal Act, as mentioned in section 9(a)(1)(C) (and indirectly referenced in section 9(a)(1)(H)) of the LWA. The NMED informed EPA of three findings identified during the NMED inspection at WIPP conducted in April 2023. All those findings are resolved as of February 25, 2025, as is a subsequent finding identified in April 2024, outside the reporting period under consideration. Therefore, the information provided by the NMED indicates that WIPP is currently in compliance with the Solid Waste Disposal Act. However, EPA is concerned that only the first two findings, which were resolved during the 2023 inspection, were cited in the BECR though not described or noted as alleged violations. The third finding was only recently closed but did not appear to be mentioned in the BECR. EPA notes that the purpose of the BECR is to document WIPP compliance status, for which unresolved findings are particularly relevant. In the future the BECR should identify all NMED findings and document their status in a clear manner.

The information reviewed by EPA indicates that WIPP is in compliance with subpart A of 40 CFR part 191; the Clean Air Act; the Safe Drinking Water Act; the Toxic Substances Control Act; the Comprehensive Environmental Response, Compensation and Liability Act; the Clean Water Act; the Federal Insecticide, Fungicide and Rodenticide Act; and other applicable federal laws, regulations and permit requirements pertaining to public health and safety or the environment, in accordance with section 9(a)(1) of the LWA. Documentation of EPA's review process has been added to the docket (EPA-HQ-OAR-2001-0012).

EPA examined public dose limits for management and storage of transuranic radioactive waste contained in subpart A of 40 CFR part 191 and found that WIPP remained compliant with these limits. EPA inspection reports for the current period of compliance may be found in the EPA e-docket EPA-HQ-OAR-2001-0012.

If additional information becomes available, this BECR determination does not necessarily foreclose or preclude enforcement actions or other claims relating to WIPP and arising under the environmental and public health and safety laws identified in LWA section 9(a)(1). In addition, EPA review of the BECR is not directly related to, nor is it a part of, EPA's periodic determination, under section 8(f)(2) of the LWA, of whether WIPP continues to comply with the final disposal regulations in subparts B and C of 40 CFR part 191.

Thank you for your efforts to maintain WIPP's compliance with applicable federal laws. EPA will continue to work cooperatively with DOE, the State of New Mexico and the public to ensure that WIPP remains protective of human health and the environment.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Zeldin', with a stylized, flowing script.

Lee M. Zeldin

cc: Abigale Tardif, Principal Deputy Assistant Administrator, OAR  
Scott Mason IV, Regional Administrator, EPA Region 6  
James Payne, Acting General Counsel  
James C. Kenney, Cabinet Secretary, New Mexico Environment Department