

From: [Maestas, Ricardo, ENV](#)
To: [Christianson, Erik](#); [Shah, Harry](#)
Cc: [Veal, Lee](#); [Peake, Tom](#); [Nance, JD, ENV](#); [Coffman, Aaron, ENV](#); [McLean, Megan, ENV](#); [Donahue, Alexis, ENV](#); [Maestas, Ricardo, ENV](#)
Subject: NMED REVIEW OF 2024 WIPP BECR
Date: Tuesday, January 14, 2025 11:43:01 AM
Attachments: [image001.png](#)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Dear Erik Christianson and Harry Shah,

The New Mexico Environment Department Hazardous Waste Bureau (NMED-HWB) has reviewed the appropriate sections of the 2024 Waste Isolation Pilot Plant (WIPP) Biennial Environmental Compliance Report (BECR) for **Reporting period April 1, 2022, through March 31, 2024**. The BECR was submitted to various agencies by the Department of Energy on October 30, 2024, as required by the federal Land Withdrawal Act. NMED would like to provide more specific details of findings from the Annual NMED Inspection at WIPP conducted in April 2023. During this inspection, NMED identified the following three violations:

1. **Unlabeled box containing universal waste lamps at the underground SAA**, which is a violation of 40 CFR 273.14(e) and 20.4.1.1001(B) New Mexico Administrative Code ("NMAC") - Failure to label universal waste lamps with the words "universal waste", or with other wording to identify the wastes.
-This violation was addressed during the Inspection.
2. **Unlabeled box containing universal waste lamps at the underground SAA, that was not marked with an accumulation start date or associated with an accumulation log**, which is a violation of 40 CFR 273.15(c) - Failure to demonstrate the length of time universal waste has accumulated.
-This violation was addressed during the Inspection.
3. **Excess accumulation of combustible materials**, which is a violation of Permit Condition Part 2, Section 2.1 - Failure to operate WIPP to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of Transuranic mixed waste or mixed waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment, as required by 20.4.1.500 NMAC, incorporating 40 CFR §264.31.
-On November 7, 2023, and November 20, 2023, the WIPP Permittees provided NMED with photographic documentation showing that excess combustible material had been removed from the areas of concern in the underground.

This information can supplement the information provided in the BECR in Table 25-3, #11, on page 115 and Table 25-6, #4, #5 on page 130.

It is my understanding that the three violations listed above have been entered as appropriate in RCRAInfo by NMED-HWB. As of today, these findings have not yet been fully closed out. NMED has no other issues or concerns with the information reviewed in the 2024 BECR.

If you have any questions regarding this review, please let me know.
Thank you,

Ricardo Maestas

WIPP Group Manager

New Mexico Environment Department

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Bldg 1

Santa Fe, New Mexico 87505

Cell: 505-690-6148

ricardo.maestas@env.nm.gov

www.env.nm.gov

twitter.com/NMEnvDep

