



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 29 2013

OFFICE OF THE
ADMINISTRATOR

The Honorable Ernest Moniz
Secretary of Energy
Washington, D.C. 20585

Dear Mr. Secretary:

Pursuant to Section 9(a)(3) of the Waste Isolation Pilot Plant Land Withdrawal Act, as amended, Pub. Law No. 102-579, the U.S. Environmental Protection Agency has determined that for the period April 1, 2010, through March 31, 2012, the Waste Isolation Pilot Plant was operated in compliance with applicable federal statutes, regulations and permit requirements designated in Section 9(a)(1) of the Land Withdrawal Act.

This determination is based on the EPA's evaluation of the documentation submitted by the Department of Energy. Based on this information, we have concluded that the facility is in compliance with 40 CFR Part 191 (Subpart A); the Clean Air Act; the Safe Drinking Water Act; the Toxic Substances Control Act; the Comprehensive Environmental Response, Compensation and Liability Act; and all other applicable federal laws pertaining to public health and safety or the environment, as required by Section 9(a)(1)(G) of the Land Withdrawal Act. The Department of Energy's documentation also indicates compliance with the Clean Water Act, the Federal Insecticide, Fungicide and Rodenticide Act and certain statutes under the jurisdiction of the Department of the Interior. A list of all applicable environmental laws and regulations is outlined in the enclosed matrix.

This determination is not directly related to, nor is it a part of, the EPA's certification or recertification decisions regarding whether the Waste Isolation Pilot Plant complies with the disposal standards for transuranic radioactive waste (40 CFR Part 191).

Thank you for your efforts to demonstrate the Waste Isolation Pilot Plant's compliance with applicable federal laws. We will continue to work cooperatively with the Department of Energy, the state of New Mexico and the public to ensure that the Waste Isolation Pilot Plant protects human health and the environment.

Sincerely,

A handwritten signature in black ink that reads "Bob Perciasepe". The signature is written in a cursive style with a large, prominent initial "B".

Bob Perciasepe
Acting Administrator

Enclosure

WIPP BIENNIAL ENVIRONMENTAL COMPLIANCE REPORT MATRIX

LAWS, REGULATIONS	AGENCY	CONFIRMATION		COMMENTS
Land Withdrawal Act - SPECIFIC				
CLEAN AIR ACT	EPA	6EN-AA	1/31/11	Satisfactory
RCRA	EPA	6EN-HS	1/31/11	Satisfactory
SAFE DRINKING WATER ACT	EPA	6WQ-S	1/31/11	Satisfactory
TOXIC SUBSTANCES CONTROL ACT	EPA	6PD-T	1/10/11	Satisfactory
CERCLA	EPA	6SF-R	1/31/11	Satisfactory
40 CFR 191, SUBPART A	EPA	ORIA	6/28-7/2/10	Satisfactory Inspection Completed
Land Withdrawal Act - OTHER				
EPCRA	EPA	6PD-T	1/10/11	Satisfactory
CLEAN WATER ACT	EPA	6EN-WT	1/31/11	Satisfactory
FIFRA	EPA	6PD-P	1/10/11	Satisfactory
NEPA	DOE	DOE	11/12/10	Satisfactory
NRC TRUPACT	NRC	NRC	12/23/10	Satisfactory
MATERIALS ACT	DOI BLM	DOI		Satisfactory*
FEDERAL LAND POLICY AND MANAGEMENT ACT	DOI BLM	DOI		Satisfactory*
PUBLIC RANGELANDS IMPROVEMENT ACT	DOI BLM	DOI		Satisfactory*
TAYLOR GRAZING ACT	DOI BLM	DOI		Satisfactory*
BALD & GOLDEN EAGLE PROTECTION ACT	DOI F&W	DOI		Satisfactory*
MIGRATORY BIRD ACT	DOI F&W	DOI		Satisfactory*
ENDANGERED SPECIES ACT	DOI F&W	DOI		Satisfactory*
State Regulations				
Hazardous Waste Act, Solid Waste Act, Underground Storage Tank, & Environmental Improvement Act	NMED	NMED	2/24/11	Satisfactory

*Please note that in attached BECR matrix, the confirmation column is for the group that Nick Stone of Region 6 contacted for confirmation that DOE/WIPP was in compliance with applicable statutes, regulations, and permits. Some of this involved verbal contact since certain offices within DOI did not send a letter as requested. None of the listed agencies submitted documentation (written or otherwise) indicating any type of BECR non-compliance during this reporting period.