



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

MAY 25 2011

THE ADMINISTRATOR

The Honorable Steven Chu  
Secretary of Energy  
Washington, D.C. 20240

Dear Mr. Secretary:

Pursuant to Section 9(a)(3) of the Waste Isolation Pilot Plant Land Withdrawal Act (LWA or Act), as amended, Pub. Law No. 102-579, the U.S. Environmental Protection Agency has determined that for the period April 1, 2008, through March 31, 2010, 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 LWA.

This determination is based on the EPA's evaluation of the documentation submitted by the U.S. Department of Energy for the period of April 1, 2008, to March 31, 2010. 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 LWA. The DOE'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 Interior. A list of all applicable environmental laws and regulations is outlined in the attached matrix.

This determination is not directly related to, nor is it a part of, the EPA's certification or recertification decision(s) 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 DOE, the state of New Mexico and the public to ensure that the Waste Isolation Pilot Plant is protective of human health and the environment.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson".

Lisa P. Jackson

Enclosures