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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

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James C. Kenney
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PUBLIC NOTICE

October 1, 2020

Groundwater Discharge Permit

Proposed for Approval

DP-831, Waste Isolation Pilot Plant

Public Comment Period Open Until November 15, 2020

The New Mexico Environment Department (NMED or department) Ground Water Quality Bureau (GWQB) provides notice that the following draft Groundwater Discharge Permit has been proposed for approval: The U.S. Department of Energy’s Waste Isolation Pilot Plant (WIPP or Facility) proposes to renew and modify the groundwater discharge permit (DP-831 or Permit) for the discharge of up to 9,586,995 gallons per day of industrial wastewater and stormwater to an impoundment and disposal system and up to 23,000 gallons per day of domestic wastewater to a treatment and disposal system. The draft Permit modification consists of the addition of one new salt cell and four new impoundments that will receive industrial wastewater and stormwater.

Applicant: U.S. Department of Energy’s WIPP, Reinhard Knerr, Manager, Carlsbad Field Office, P.O. Box 3090, Carlsbad, NM 88221

Facility Description: The Facility is a mined geologic repository for the disposal of transuranic (TRU) waste. The underground repository at the Facility is located 2,150 feet below land surface in the bedded salt of the Salado Formation. The draft Permit addresses discharges that are not directly associated with the storage of TRU waste.

Discharge Locations: Discharge locations at the Facility potentially affecting groundwater include an impoundment system for domestic wastewater, three active salt cells, four lined impoundments for stormwater in contact with salt cells, three lined impoundments for stormwater not in contact with salt cells, and four lined impoundments for non-hazardous, non-radioactive, industrial wastewater.

Activities that Produce the Discharge: Discharges at this Facility include stormwater collected from the Facility grounds and from active and inactive salt cells which are directed to synthetically lined impoundments. Additionally, the Facility discharges industrial wastewater from various sources including brine, purge waters from sampling and developing Facility

monitoring wells, and other miscellaneous industrial non-hazardous, non-radioactive wastewaters, to synthetically lined impoundments. The Facility discharges domestic wastewater to a synthetically lined impoundment system for treatment and disposal by evaporation. The Facility proposes to discharge brine produced from the operations of the to be constructed Salt Reduction System to two synthetically lined impoundments.

Facility Location: The Facility is located off Highway 128, approximately 26 miles southeast of Carlsbad, in Sections 20, 21, 28, and 29, Township 22S, Range 31E, Eddy County.

Potential Contaminants: Potential contaminants from these types of discharge include nitrogen compounds, dissolved solids, and chloride.

Groundwater Most Likely to be Affected by the Discharge: Groundwater most likely to be affected is at a depth of approximately 35 to 160 feet and had a pre-discharge total dissolved solids concentration of 3,400 milligrams per liter.

Public Involvement: NMED maintains a Facility-specific Public Involvement Plan (PIP) for each permitting action so that the department can plan for providing public participation opportunities and information that may be needed for the community to participate in a permitting process. The department's issuance of this public notice (Notice) is addressed in the PIP.

How to obtain more information: To learn more about this draft Permit and the permitting process, or to obtain a copy of the draft Permit, the associated Fact Sheet, which provides a brief summary of the basis for the draft Permit conditions and is available in both English and Spanish, or the associated PIP, please contact the NMED Permit Contact, Ms. Avery Young, by telephone at (505) 827-2909 or by email at Avery.Young@state.nm.us. NMED will provide, at no cost, documents either by email or US mail to any community member requesting a copy. Please specify how you would like the document(s) delivered. NMED maintains a facility-specific mailing list for persons wishing to receive notices for permitting actions associated with this Facility. When requesting documents, please specify if you would like to be added to this list.

The draft Permit, Fact Sheet, and PIP may be viewed online at <https://www.env.nm.gov/gwqb/dp-831/>. For a Spanish translation of the Fact Sheet, visit <https://www.env.nm.gov/gwqb/dp-831-es/>.

NMED has placed a hard copy of the draft Permit, the Fact Sheet, the Permit application, and the PIP at the following document repository locations: Eunice Public Library (1003 Avenue N, Eunice); Carlsbad Public Library (101 S. Halagueno St, Carlsbad). As of the date of NMED's issuance of this notice, both libraries are open to the public. In the event either library restricts public access during this public comment period due to the ongoing COVID-19 public health emergency, NMED asks community members to request documents as described above.

How to submit a comment or request a hearing: NMED is allowing 45 days after the date of publication of this Notice for anyone to submit written comments and/or a request for a public hearing regarding the draft Permit. Requests for a public hearing shall be in writing and shall

set forth the reasons why a hearing should be held. Comments or a request for hearing regarding the draft Permit should be addressed to the GWQB, PO Box 5469, Santa Fe, NM 87502-5469, or emailed to the NMED Permit contact, Ms. Avery Young, at Avery.Young@state.nm.us, reference line "DP-831 Comments."

A hearing will be held if the New Mexico Secretary of Environment (Secretary) determines that there is substantial public interest. The Secretary will appoint a hearing officer and will ensure the hearing is held in the locally affected community. During the hearing process, members of the public may file technical testimony prior to the hearing and may provide verbal and written comments during the hearing itself. Once the hearing is complete, the hearing officer will provide the Secretary with a hearing report that includes a suggested determination. The Secretary will then issue a Final Order which will complete the Administrative Record (Record) for the permitting action. After the Record for a permitting action is complete and all required information is available, NMED will approve, approve with conditions, or disapprove the Permit based on the Record and/or Final Order from the Secretary.

How to request accommodations: If you are a non-English speaker, do not speak English well, or if you have a disability, you may contact Ms. Avery Young by telephone during normal business hours at (505) 827-2909 or by email at Avery.Young@state.nm.us to request assistance, translation services, an interpreter, or other reasonable accommodations in order to learn more about the Permit or the permitting process, or to participate in activities associated with the permitting process. Requested translation, interpretation services, and accommodations or services for persons with disabilities will be arranged. Telephone conversation assistance is available through Relay New Mexico at no charge for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779; TTY users: 1-800-659-8331; Spanish: 1-800-327-1857. Telephone interpretation assistance for persons that are a non-English speaker or do not speak English well is available at no charge when calling NMED.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this Notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Yurdin, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.