

**New Mexico Environment Department
Response to Public Comments on the
October 25, 2019 WIPP Class 2 Permit Modification Request
January 24, 2020**

On October 25, 2019, the Department of Energy (“DOE”) and Nuclear Waste Partnership (“NWP”) (together referred to as the “Permittees”) submitted a Class 2 Permit Modification Request (“PMR”) to the New Mexico Environment Department (“NMED”) requesting to revise the Hazardous Waste Facility Permit (“Permit”) for the Waste Isolation Pilot Plant (“WIPP”) entitled “*Removal of Deteriorating/Non-Essential Water Level Monitoring Program Wells.*” The Class 2 PMR requested the removal of seven deteriorating and non-essential water level monitoring program wells.

The Permittees published a public notice on October 27, 2019 that commenced a 60-day public comment period, which ended on December 26, 2019. This document is the NMED response to public comments received on this PMR, as required by 20.4.1.901.A(9) NMAC.

Table 1 of this document lists entities and persons who commented on the PMR.
Table 2 summarizes the comments received and contains NMED’s responses thereto.

The comments submitted to NMED and other documents related to the final action can be found on the NMED WIPP webpage at the following link: <https://www.env.nm.gov/hazardous-waste/wipp/> .

Table 1: List of Public Commenters

Commenter ID	Date of Comment	Commenter (and Association, if Applicable)
1	11/1/2019	Dale Janway, Mayor, City of Carlsbad/ John Heaton, Chairman, Carlsbad Mayor’s Nuclear Task Force
2	12/24/2019	Don Hancock, Executive Director, Southwest Research and Information Center (SRIC)
3	12/25/2019	Steve Zappe

Table 2: Summaries of Public Comments and NMED Responses

NMED Response Number/ Topic Area	Commenter ID	Public Comment	NMED Response
R1 Support	1	The commenters state the seven wells proposed for plugging are deteriorating and “a Sandia study concludes removing these wells from the network would not impact the ability to monitor the groundwater flow at WIPP.”	Comments noted.
	2	The commenter states, “SRIC does not object to the removal of the seven water-level monitoring wells...Appendix C to the request...is helpful to demonstrate the removal of the seven wells apparently has little effect on the results from the remaining water-level monitoring wells.”	
R2 Retain and Update Figure L-5	2, 3	The commenters support retaining and updating Figure L-5 in the Permit.	NMED has retained and updated Figure L-5 in Permit Attachment L with the submitted Figure 1 from the PMR. References to Figure L-5 in the Permit have also been retained. To obtain the most updated potentiometric map in any given year, please reference the <i>Annual Culebra Groundwater Report</i> , which is provided to NMED in accordance with Permit Part 5, Section 5.10.2.1.
R3 Date Discrepancy	2	The commenter believes the month and year associated with Table L-4 should reflect NMED approval of this PMR rather than the submittal date of the PMR.	NMED concurs and has made these date changes in the List of Tables and in the title for Table L-4 in Permit Attachment L.