



State of New Mexico
ENVIRONMENT DEPARTMENT



Office of the Secretary

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BUTCH TONGATE
Cabinet Secretary
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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 7, 2018

Todd Shrader, Manager
Carlsbad Field Office
Department of Energy
PO Box 3090
Carlsbad, NM 88221-3090

Bruce C. Covert, Project Manager
Nuclear Waste Partnership, LLC
PO Box 2078
Carlsbad, NM 88221-2078

**RE: FINAL DETERMINATION, CLASS 3 PERMIT MODIFICATION DECISION
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Shrader and Covert:

On November 10, 2016, the Department of Energy and Nuclear Waste Partnership, LLC (collectively, the "Permittees") submitted to the New Mexico Environment Department ("NMED") a revised Class 3 Permit Modification Request ("Modification Request") to the Waste Isolation Pilot Plant ("WIPP") Hazardous Waste Facility Permit ("Permit"). The Modification was entitled "*Modifications to the WIPP Panel Closure Plan*". Requested modifications to the Panel Closure Plan were first submitted by the Permittees on March 20, 2013 but the permit modification process was put on hold because of the February 2014 events at WIPP.

The Modification Request was evaluated and processed in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(c)), and on February 22, 2018, NMED issued a draft Permit for a 60-day public comment period that ended on April 23, 2018. NMED received written comments and requests for a public hearing from several individuals and organizations. In accordance with the New Mexico Hazardous Waste Management Regulations ("HWMR") at 20.4.1.901.A(4) NMAC, NMED, in conjunction with the Permittees, met with those who had submitted public comments and requests for hearing in an attempt to

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resolve issues contained within the public comments. The meetings took place on July 31st, August 1st, and 2nd, 2018. As a result of these meetings, concerns were addressed to the satisfaction of those involved and the requests for hearing were withdrawn. NMED hereby approves the draft Permit with changes.

Attached is a disc containing the revised Permit Parts and Attachments in redline strikeout and clean final versions of the Permit. Further information on this administrative action, including NMED's response to comments and the final Permit, may be found on the NMED WIPP Information Page at <https://www.env.nm.gov/hazardous-waste/wipp/>.

The HWMR at 20.4.901.A(10) NMAC state, "A final permit decision shall become effective thirty (30) days after the notice of the decision has been served on the applicant..." NMED approved this Modification on September 7, 2018; therefore, the effective date of the Permit shall be Monday, October 8, 2018.

If you have any questions regarding this correspondence, please contact Ricardo Maestas of the Hazardous Waste Bureau at (505) 476-6050.

Sincerely,



Butch Tongate
Secretary
New Mexico Environment Department

cc: J.C. Borrego, NMED RPD Acting Division Director
J. Hower, NMED OGC
J. Kieling, NMED HWB
R. Maestas, NMED HWB
D. Biswell, NMED HWB
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File: WIPP '18