

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

**NEWS RELEASE***For Immediate Release***June 27, 2023**

*The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.*

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**NMED negotiates settlement agreement for Waste Isolation Pilot Plant renewal permit**

*Agreement ensures enhanced accountability, stronger safeguards for New Mexico and other states*

**SANTA FE** — The New Mexico Environment Department (NMED), in conjunction with the U.S. Department of Energy (DOE) and Salado Isolation Mining Contractors LLC (SIMCO), successfully negotiated a settlement agreement last week with multiple parties that requested a hearing and that opposed the draft ten-year renewal permit for the Waste Isolation Pilot Plant (WIPP) located in Carlsbad, New Mexico.

The agreement includes modified conditions that provide greater regulatory oversight, improve safeguards, and authorize disposal of waste in two new underground panels over the next ten-year permit term. The modified conditions also prioritize legacy waste from cleanup activities, including from Los Alamos National Laboratory.

“Communities in New Mexico and around the U.S. benefit from the clean-up of legacy waste and its disposal at WIPP,” said **NMED Cabinet Secretary James Kenney**. “The new permit conditions affirm New Mexico’s authority and position that all roads lead from WIPP – we are no longer the last stop for clean-up but the driving force in that process that begins here.”

The parties resolved the contentious issues by modifying various conditions for inclusion in the permit renewal after four days of negotiations. Secretary Kenney played a pivotal role in the negotiations and rescinded his orders which authorized a hearing and appointed a hearing officer. As a result, a permit hearing will not occur. Instead, NMED will publish the WIPP permit containing the modified conditions on August 15, 2023. The final renewal permit will be issued in October 2023 with an effective date 30 days later. WIPP is currently operating on an expired but administratively extended permit.

Highlights of the settlement agreement included in the renewal permit are:

1. Prioritizing legacy waste clean-up and disposal at WIPP, including from Los Alamos National Laboratory.
2. Requiring a full and transparent inventory of legacy waste around the U.S. for ultimate disposal at the WIPP through a new report that provides for stakeholder input.

3. Enabling the suspension of waste shipments to WIPP if there is evidence of a threat to human health or the environment.
4. Requiring a final facility footprint to accompany any request for new storage panels beyond the two panels authorized in the renewal permit.
5. Initiating a permit revocation and reissuance process should Congress increase the storage capacity or expand the types of wastes accepted at WIPP.
6. Requiring the DOE to document progress in siting another geologic repository in a state other than New Mexico through a new annual report.
7. Conducting surveillance of oil and natural gas production and saltwater disposal operations around the perimeter of the facility to ensure the safety of WIPP.
8. Enhancing the public participation process by providing quarterly public forums, updating the Community Relations Plan, and requiring pre-submittal meetings for complex modifications to the renewal permit going forward.
9. Tying WIPP's closure to both the renewal permit term of 10 years and the capacity limits of the federal Land Withdrawal Act unless a timely renewal application is received with an accurate inventory of all remaining wastes awaiting cleanup and disposal at WIPP.

“Going into the process, my goal was to preserve and strengthen our relationships with stakeholders,” said **NMED's Acting WIPP Program Manager Megan McLean**, who moderated the negotiations along with the facilitator. “The process worked given a strong mediator, the participation of the Cabinet Secretary, and the willingness of all parties to understand the interests of others rather than sticking to hardline positions.”

In order to provide a venue for the public to ask questions about the final renewal permit, NMED will hold a hybrid public meeting on September 22, 2023. Participants can join the public meeting online or in-person in Carlsbad or Santa Fe. As agreed during negotiations, the [comment period](#) will also remain open until Sept. 22, 2023, the date of the public meeting. While NMED will respond to all comments received, they will not alter the renewal permit in light of the settlement agreement.

The WIPP facility was authorized by Congress in 1979 for the disposal of transuranic (TRU) radioactive waste materials generated by atomic energy defense activities of the United States.

Information concerning the WIPP renewal permit can be found on NMED's WIPP News website at <https://www.env.nm.gov/hazardous-waste/wipp/>.

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