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ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary

BRUCE YURDIN
Acting Deputy Secretary

December 21, 2018

**RE: FINAL ACTION AND RESPONSE TO COMMENTS
CLASS 3 PERMIT MODIFICATION
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Interested Person:

On December 21, 2018, the Secretary of the New Mexico Environment Department (“NMED”) took final administrative action on a Class 3 Permit Modification Request to the Waste Isolation Pilot Plant (“WIPP”) Hazardous Waste Facility Permit (“Permit”). The Department of Energy and Nuclear Waste Partnership, LLC, submitted a Class 2 modification on January 31, 2018 entitled “*Clarification of TRU Mixed Waste Disposal Volume Reporting*”. The Class 2 modification was elevated to a Class 3 modification by NMED on June 1, 2018.

The Class 3 modification was processed in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(c)). On August 6, 2018, NMED issued a draft Permit based on the Class 2 modification, public comments, and additional information requested by NMED. A 45-day public comment period took place between August 6th and September 20th, 2018. NMED received comments from several individuals and organizations during the public comment period. Due to opposition to the draft Permit and several requests for a hearing, on September 22, 2018, NMED issued a notice announcing a public hearing to commence on October 23, 2018. NMED has approved the Class 3 modification with changes.

Further information on this administrative action, including NMED's response to comments and the final Permit, may be found on the NMED WIPP information webpage at:
<https://www.env.nm.gov/hazardouswaste/wipp/>.

Sincerely,

Ricardo Maestas
WIPP Staff Manager
Hazardous Waste Bureau