



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Telephone (505) 428-2500
Fax (505) 428-2567
www.nmenv.state.nm.us



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

PUBLIC NOTICE NO. 06-01

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NM 87505**

JANUARY 24, 2006

EXTENSION OF PUBLIC COMMENT PERIOD

**CONCERNING INTENT TO APPROVE A CLASS 3 MODIFICATION
TO THE
HAZARDOUS WASTE FACILITY PERMIT
FOR THE
WASTE ISOLATION PILOT PLANT
CARLSBAD, NEW MEXICO
EPA ID NO. NM4890139088**

This is a notice extending the period for submission of public comments and requests for public hearing on the draft Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant (WIPP). On November 23, 2005, the New Mexico Environment Department (NMED) issued an initial public notice to submit public comment and requests for public hearing by January 23, 2006. Since issuance of that initial notice, NMED has received a request to extend the public comment period from Southwest Research and Information Center.

The public comment period shall be extended for an additional thirty (30) day period. NMED will now receive comments and requests for public hearing through **5:00 PM, February 22, 2006**.

The fact sheet issued on November 23, 2005 stated that a public hearing, if held, would begin on March 8, 2006. The date of any public hearing is hereby postponed until further notice.

PUBLIC REVIEW OF THE DRAFT PERMIT

A copy of the WIPP draft permit, public notice (including the extension of the public comment period), and fact sheet may be reviewed during the public comment period at: NMED, Hazardous Waste Bureau, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico, 87505, 505-428-2500, Attn: Mr. James P. Bearzi; and on the NMED web site (www.nmenv.state.nm.us/wipp). The entire administrative record for this administrative action may be reviewed at the Hazardous Waste Bureau at the above address.

PUBLIC COMMENT

Any person, including the Permittees, wishing to comment on the draft permit or request a public hearing should submit written or electronic mail (e-mail) comment(s) with the commenter's name and address to the address below. The public

comment period began on November 23, 2005 and has been extended through February 22, 2006. Only comments and/or requests received on or before **5:00 p.m. February 22, 2006** will be considered. If a public hearing is scheduled, the comment period is automatically extended to the close of the public hearing.

Mr. James P. Bearzi
NMED Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico, 87505
Fax: 505-428-2567

E-mail: james.bearzi@state.nm.us

Written comments shall be based on all reasonably available information and include, to the extent practicable, all referenced factual materials. Documents in the administrative record need not be re-submitted if expressly referenced by the commenter. Requests for public hearing shall provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requester represents; (3) a statement of any objections to the permit modification, including specific references; and (4) a statement of the issues which such persons proposes to raise for consideration at the hearing. NMED will provide a thirty (30) day notice of a public hearing, if granted.

PROCEDURE OF ISSUANCE OF FINAL PERMIT DECISION

NMED must ensure that the approved final permit is consistent with the New Mexico Hazardous Waste Management Regulations (20.4.1 NMAC). All written comments submitted on the draft permit will be considered in formulating a final decision and may cause the draft permit to be modified.

NMED will respond in writing to all public comments. NMED's response will specify which provision, if any, of the draft permit have been changed in the final permit decision, the reasons for the change, and briefly describe and respond to all public comments on the draft permit or the permit modification request raised during this and prior public comment periods. All persons presenting written comments or who requested notification in writing will be notified of NMED's

decision by mail. This response will also be posted on the NMED WIPP website.

After consideration of all the written public comments received, NMED will issue, modify and issue, or not issue the permit. If NMED modifies and issues the permit, the applicant shall be provided by mail a copy of the modified permit and a detailed written statement of reasons for the modifications.

The NMED Secretary will make the final permit decision publicly available and shall notify the applicant by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste, NMSA 1978 §§ 74-4-1 through 74-4-14.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Any person with a disability requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at the following address: New Mexico Environment Department, Room N-4030, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico 87502-6110, (505) 827-2844. TDD or TDY users please access Ms. Bentley's number via the New Mexico Relay Network. Albuquerque users may access Ms. Bentley's number at (505) 275-7333.