

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF THE AGENCY
INITIATED MODIFICATION OF THE
HAZARDOUS WASTE FACILITY PERMIT
FOR THE WASTE ISOLATION PILOT PLANT
CARLSBAD, NEW MEXICO
EPA ID NO. NM4890139088**

No. HWB 04-01 (M)

ORDER ON JOINT MOTION TO HOLD PROCEEDING IN ABEYANCE

This matter comes before the Hearing Officer on a Joint Motion by the New Mexico Environment Department (NMED) and the United States Department of Energy (DOE) and Washington TRU Solutions, LLC (Permittees) to hold this proceeding in abeyance, pending decision on a permit modification request that the Permittees intend to file. The Joint Motion was filed on June 3, 2004 and distributed by e-mail. According to the Joint Motion, if the permit modification request is approved by NMED, after appropriate public comment and participation, NMED will withdraw its permit modification in this proceeding.

A teleconference to discuss the Joint Motion was attended by representatives of all the parties to this proceeding on June 3 at 9:00 am MDT. No party opposed the Joint Motion. Based upon the foregoing, and the representations in the Joint Motion, the Joint Motion is GRANTED.

IT IS HEREBY ORDERED:

1. This proceeding is held in abeyance for an indefinite period of time until NMED determines that the Permittee initiated permit modification is untimely filed, is

not diligently pursued, or is decided, and NMED either seeks to pursue the agency initiated permit modification or withdraw it.

2. If the Permittees' modification is approved, after appropriate public comment and participation, NMED shall withdraw its agency initiated permit modification.

3. The Permittees shall not dispose of waste that is the subject of the Permittees' expected permit modification request from the date of this order until their permit modification is decided.

4. The Permittees shall serve a copy of the Permittee initiated permit modification on the parties to this proceeding at the time that it is filed with NMED.

5. NMED shall diligently process the permittee initiated permit modification.

6. Notice that this proceeding has been held in abeyance, and that hearings will not be held as previously scheduled shall be published by the NMED Hazardous Waste Bureau and posted on its website.

Date

Felicia Orth, Hearing Officer