



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

**2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us**



RYAN FLYNN
Cabinet Secretary Designate

BUTCH TONGATE
Deputy Secretary

TOM BLAINE, P.E.
Director

February 14, 2014

**SUBJECT: NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO
REQUEST A PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE
PERMIT FOR WASTE ISOLATION PILOT PLANT**

Dear Interested Person:

Enclosed is a **Public Notice** regarding the draft Hazardous Waste Permit for Waste Isolation Pilot Plant (WIPP). The U.S. Department of Energy Carlsbad Field Office (**DOE**) owns and operates the Facility, and Nuclear Waste Partnership LLC (**NWP**) co-operates the Facility (collectively, the Applicants). WIPP is located north of Jal Highway (State Highway 128) in Eddy County, New Mexico, approximately 26 miles east of Carlsbad. WIPP is located at the following mailing addresses: DOE Carlsbad Field Office, P.O. Box 3090, Carlsbad, New Mexico 88221-3090; and Nuclear Waste Partnership LLC, P.O. Box 2078, Carlsbad, New Mexico 88221-2078. The Permittees' primary contact for this permitting action is: George Basabilvazo, Regulatory Compliance Director, DOE Carlsbad Field Office, P.O. Box 3090, Carlsbad, New Mexico 88221-3090.

The enclosed Public Notice provides locations where the Administrative Record, including the Permit Modification Request, draft Permit, Fact Sheet, and supporting documentation, for this action can be reviewed, and provides procedures for submitting comments and requesting a public hearing. Comments and requests for public hearing must be received no later than **5:00 p.m. MDT on April 15, 2014**.

Any person seeking additional information regarding this notice may contact:

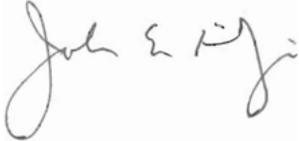
Trais Kliphuis, WIPP Project Manager
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

E-mail: trais.kliphuis@state.nm.us

Phone: (505) 476-6000

Fax: (505) 476-6060

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is written in a cursive style with a large initial "J" and "K".

John E. Kieling
Chief
Hazardous Waste Bureau



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

**2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us**



RYAN FLYNN
Cabinet Secretary Designate

BUTCH TONGATE
Deputy Secretary

TOM BLAINE, P.E.
Division Director

PUBLIC NOTICE No. 14-01

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
FEBRUARY 14, 2014**

**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST A
PUBLIC HEARING ON A DRAFT HAZARDOUS WASTE PERMIT FOR
THE WASTE ISOLATION PILOT PLANT
EPA ID NUMBER: NM4890139088-TSDF**

The New Mexico Environment Department (NMED) is issuing for public comment a draft Hazardous Waste Facility Permit (**draft Permit**) for the Waste Isolation Pilot Plant (**WIPP**, or **the Facility**). The U.S. Department of Energy (**DOE**) and Nuclear Waste Partnership LLC (**NWP**), the Permittees, submitted a modification request to NMED on March 20, 2013. The request includes modifications to the panel closure, repository reconfiguration of Panels 9 and 10, and the volatile organic compounds (**VOC**) target analyte list and changes to the VOC monitoring program.

WIPP is currently permitted to manage, store, and dispose of hazardous waste, and to close hazardous waste disposal units, in accordance with the New Mexico Hazardous Waste Act (**HWA**) and its implementing regulations. NMED is charged with issuing a permit that will ensure that WIPP's hazardous waste operations are managed in a manner that is protective of human health and the environment.

WIPP is located north of Jal Highway (State Highway 128) in Eddy County, New Mexico, approximately 26 miles east of Carlsbad. WIPP is a hazardous waste facility currently operating under a Permit issued by NMED authorizing the management, storage, and disposal of transuranic (**TRU**) mixed waste at the Facility. Mixed waste is radioactive waste that is also a hazardous waste as defined by the HWA, and is thus subject to regulation by NMED. The DOE

owns and operates the Facility, and NWP co-operates the Facility. These entities are collectively referred to as “Permittees” or “WIPP” in the draft Permit and this public notice.

WIPP is a facility authorized by Congress to dispose TRU radioactive waste materials generated by atomic energy defense activities. WIPP manages wastes that are regulated under the federal Resource Conservation and Recovery Act (**RCRA**), the New Mexico Hazardous Waste Act Chapter 74, Article 4 NMSA 1978 (**HWA**), and their implementing regulations. WIPP received a hazardous waste facility Permit from NMED in 1999 to dispose of TRU mixed waste containers 2,150 feet below ground in a mined geologic repository within the Salado Formation. The containers of waste must undergo complete waste characterization by the generator/storage sites in compliance with requirements of the Permit prior to disposal. WIPP is permitted to accept contact-handled TRU waste containers with a surface dose of less than 200 millirem per hour that may be handled directly. WIPP is also permitted to accept remote-handled TRU waste containers with a surface dose of 200 millirem or greater that must be handled either remotely or with sufficient shielding to reduce the effective dose.

WIPP may be contacted at the following mailing addresses: DOE Carlsbad Field Office, P.O. Box 3090, Carlsbad, New Mexico 88221-3090; and Nuclear Waste Partnership LLC, P.O. Box 2078, Carlsbad, New Mexico 88221-2078. The Permittees’ primary contact for this permitting action is: George Basabilvazo, Director, Office of Environment, Safety and Health, DOE Carlsbad Field Office, P.O. Box 3090, Carlsbad, New Mexico 88221-3090.

The draft Permit is a proposed modification of the existing Permit. The Permittees submitted a modification request on March 20, 2013 following a public involvement process that included pre-submittal meetings with the public to obtain comment prior to submittal. Public meetings were held in Santa Fe and Albuquerque on April 16 and 18, 2013. On July 29, 2013, NMED determined the application to be administratively complete and that it constituted a timely and complete application under the regulations. On September 20, 2013 NMED issued a Technical Incompleteness Determination, requesting clarification and additional information. WIPP provided a response on October 31, 2013. The draft Permit is based on the submitted modification request and the information requested by NMED.

NMED also announces the availability of a Fact Sheet providing the basis for its proposed action on the Permit, and the significant factual, legal, and policy questions considered in preparing the draft Permit. The Fact Sheet explains the basis for Permit changes, including applicable statutory and regulatory support.

PUBLIC REVIEW OF THE DRAFT PERMIT

The Administrative Record for this proposed action consists of the Permit Modification Request, the draft Permit, this Public Notice, the Fact Sheet, and supporting documentation. The Administrative Record may be reviewed, with prior appointment, at the following locations during the public comment period.

NMED - Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
Monday – Friday: 8:00 a.m. to 5:00 p.m.
Contact: Pam Allen

NMED- DOE Oversight Bureau
406 N. Guadalupe, Suite C
Carlsbad, NM 88220
Phone: (575) 885-9023
Monday – Friday: 8:00 a.m. to 5:00 p.m.
Contact: Krissie Carrasco

A copy of the draft Permit, this Public Notice, the Fact Sheet, the modification request and an index of the Administrative Record is also available on NMED's website at: www.nmenv.state.nm.us/wipp/index.html. To obtain a copy of the Administrative Record or a portion thereof, please contact Ms. Pam Allen at (505) 476-6000 or at address given above. NMED will provide copies, or portions thereof, of the Administrative Record, including the draft Permit, at a cost to the requestor.

This public notice issued on **February 14, 2014**, announces the beginning of a 60-day comment period that will end at **5:00 p.m. MST, April 15, 2014**. Any person who wishes 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 mailing address to the address below. Only comments and/or requests for public hearing received before **5:00 p.m. MST on April 15, 2014** will be considered.

Trais Kliphuis, WIPP Project Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
Fax: (505) 476-6060
E-mail: trais.kliphuis@state.nm.us
Ref: WIPP Draft Permit

Written comments should 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 a 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 requestor represents; (3) a statement of any objections to the draft Permit, including specific references to any conditions being modified; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. Written comment and requests for public hearing must be filed with Ms. Trais Kliphuis on or before **5:00**

p.m. MST, April 15, 2014. NMED will provide a thirty (30) day notice of a public hearing, if scheduled.

NMED must ensure that the final Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted 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. This response will specify which provisions, if any, of the draft Permit have been changed in the final decision and the reasons for the changes. All persons presenting written comments or who requested notification in writing will be notified of the decision by mail. These responses will also be posted on the NMED's website.

After consideration of all written public comments received and all data, views, and arguments presented at the public hearing, if one is held, NMED will issue, or modify and issue, the Permit. The Applicants shall be provided by mail a copy of any relevant modified documents and a detailed written statement of reasons for the modifications.

The Secretary of the Environment Department will make the final decision publicly available and shall notify the Applicants by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA (Chapter 74, Article 4 NMSA 1978).

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Persons having a disability and needing help in being a part of this hearing process, including TTY users, should contact J. C. Borrego at least 10 days before the event at the NMED Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-0402.