



BILL RICHARDSON
Governor

DIANE DENISH
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



RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

April 27, 2010

**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 Washington TRU Solutions LLC (**WTS**) 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 Washington TRU Solutions LLC, P.O. Box 2078, Carlsbad, New Mexico 88221-5608. 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.

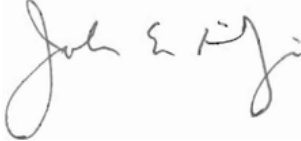
The enclosed Public Notice provides locations where the Administrative Record, including the Permit Application, draft Permit, Fact Sheet, and supporting documentation, for this action can be reviewed, and provides procedures for submitting comments and requesting a public hearing. Comments and requests for public hearing must be received no later than **5:00 p.m. MDT on June 28, 2010**.

Any person seeking additional information regarding this notice may contact:

Steve Zappe, 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: steve.zappe@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 a long horizontal stroke at the end.

John E. Kieling
Manager
Permits Management Program
Hazardous Waste Bureau



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RON CURRY
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PUBLIC NOTICE No. 10-02

**NEW MEXICO ENVIRONMENT DEPARTMENT
HAZARDOUS WASTE BUREAU
SANTA FE, NEW MEXICO
April 27, 2010**

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

The New Mexico Environment Department (Department) intends to issue a hazardous waste permit (Permit) to the Waste Isolation Pilot Plant (WIPP, or the Facility) to manage, store, and dispose hazardous waste, and to close hazardous waste disposal units, in accordance with the New Mexico Hazardous Waste Act (HWA) and its implementing regulations. The Department is charged with issuing a permit that will ensure that WIPP's hazardous waste operations are managed in a manner 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 the Department 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 the Department. The U.S. Department of Energy Carlsbad Field Office (DOE) owns and operates the Facility, and Washington TRU Solutions LLC (WTS) 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 disposal of TRU radioactive waste materials generated by atomic energy defense activities. WIPP received a hazardous waste facility Permit from the Department in 1999 to dispose of TRU mixed waste containers 2150 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 is located at the following mailing addresses: DOE Carlsbad Field Office, P.O. Box 3090, Carlsbad, New Mexico 88221-3090; and Washington TRU Solutions LLC, P.O. Box 2078, Carlsbad, New Mexico 88221-5608. 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.

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, or the HWA), and their implementing regulations. The draft Permit, when finalized, would allow WIPP to continue hazardous waste management operations in much the same manner as those authorized by the existing Permit, such as: requiring generator/storage sites to implement applicable waste characterization requirements prior to the receipt of TRU mixed waste at WIPP; conducting waste characterization audits at generator storage sites to ensure their implementation of and compliance with applicable requirements; safely managing, storing, and disposing contact-handled and remote-handled TRU mixed waste upon receipt at WIPP; performing required environmental monitoring of air and groundwater at WIPP to ensure protection of human health and the environment; closing all permitted storage and disposal units following final receipt of waste; conducting required post-closure care activities after final closure of WIPP; and complying with corrective action requirements related to any release of hazardous waste or hazardous constituents from the Facility.

The draft Permit is a proposed renewal of the Permit that was first issued to WIPP on October 27, 1999. The Permittees submitted a renewal application dated May 27, 2009 following a public involvement process that included pre-submittal meetings with the public to obtain comment prior to submittal. The Department subsequently granted a request from the Permittees to submit an amended renewal application with the condition that it be based on the current Permit, with changes limited to seeking additional authorization to dispose of waste in Panel 8 and adding the Mine Ventilation Rate Monitoring Plan. The Permittees submitted the amended renewal application on September 25, 2009. On November 25, 2009, the Department determined the amended renewal application to be administratively complete and that it constituted a timely and complete application under the regulations. With this determination, the 1999 Permit will remain in effect until the effective date of the new Permit.

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

PUBLIC REVIEW OF THE DRAFT PERMIT

The Administrative Record for this proposed action consists of the Permit application, the draft Permit, this Public Notice, the Fact Sheet, and supporting documentation. The Administrative Record may be reviewed, with prior appointment, at the following location 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: *Steve Zappe*

A copy of the draft Permit, the Public Notice, and this Fact Sheet is available on the Department'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 Mr. Zappe at (505) 476-6000, or at address given above. The Department will provide copies, or portions thereof, of the Administrative Record, including the draft Permit, at a cost to the requestor.

The Department issued a public notice on **April 27, 2010**, to announce the beginning of a 60-day comment period that will end at **5:00 p.m. MDT, June 28, 2010**. 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 received before **5:00 p.m. MDT on June 28, 2010** will be considered.

Steve Zappe, WIPP Project Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
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Phone: (505) 476-6000
Fax: (505) 476-6060
E-mail: steve.zappe@state.nm.us
Ref: WIPP Draft Permit

Written comments must be based on 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 a public hearing must 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 draft Permit, including specific references to any conditions being addressed; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. The Department will provide a 30 day notice of a public hearing, if scheduled.

The Department ensured that the draft Permit is consistent with the New Mexico Hazardous Waste Management Regulations. All written comments submitted will be considered in formulating a decision on issuance of a final Permit, or that may cause the draft Permit to be modified. The Department 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 permit 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 Department's website.

After consideration of all the written public comments received, the Secretary of the Department or his designee will make the final decision on this draft Permit. The decision will be publicly available, and shall be included in a notification to the Permittees by certified mail. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the HWA.

ARRANGEMENTS FOR PERSONS WITH DISABILITIES

Persons having a disability and requiring assistance or auxiliary aid to participate in this process should contact Judy Bentley at the New Mexico Environment Department, Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone number: (505) 827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331.