

Dear Mr. Maestas,

I offer the following comments on the proposed permit renewal for the Waste Isolation Pilot Plant in southern New Mexico. This renewal request, which includes plans for expansion and extension of projects, is objectionable by a number of measures essential to the safety and wellbeing of residents of New Mexico. I will mention a few.

1. Disregard for the established waste intake end-date of 2024 is a slap in the face to the state of New Mexico's (i.e., the PEOPLE of New Mexico's) local sovereignty. The DOE should be required to honor its word and live by its initial commitments. The "accidents" and "inefficiencies" being invoked as justifications to extend the permit indefinitely or by decades are the DOE's responsibility. The State of New Mexico should not bear the consequences for these errors beyond a three-year extension to accommodate emplacement of current legacy waste, processing of which has been delayed by the three-year WIPP closure resulting from safety failures at LANL. Three years – no longer, with a non-extendable end date of 2024 clearly stated and noted as final in the permit renewal.
2. The completion of the PILOT program at WIPP clearly necessitates construction of repositories in other states. The DOE and NNSA must be required to live up to the promise, made years ago, that other repositories outside of New Mexico would be built. The State of NM has a responsibility to its citizens to hold the DOE/NNSA to its promise. The current extension should be contingent upon the DOE producing credible evidence of construction of radioactive waste storage sites outside of New Mexico.
3. The proposed permit extension accommodates DOE plans to include new waste streams that did not even exist when WIPP was initially agreed to. The people of New Mexico never agreed to WIPP site acceptance of surplus plutonium from decommissioned weapons or of waste generated by plutonium pit production for newly-designed weapons of mass destruction. Adding these inappropriate new sources will deplete space needed for the legacy waste initially agreed to and will keep the facility open far beyond the end date agreed to by the people of New Mexico. Meanwhile, state residents live with the continuing risks and dangers posed by toxic plutonium-239 waste housed in tents in a forest outside of LANL. In a wildfire (an obvious risk to the area), the resulting vaporization of this waste would create a regional, not merely local, disaster. Any permit extension granted at this time should explicitly prohibit the introduction to WIPP of waste generated by plutonium pit production and "surplus plutonium" from decommissioned weapons.
4. To reinforce the prohibition on the introduction of new waste streams, further physical expansion of the WIPP site should be prohibited in any permit renewal. The DOE has already succeeded in initiating construction of new storage space at WIPP. The NMED's facilitation of this maneuver, at hearings overseen by Gregory Chakalian, was a sad, sad spectacle to observe. The NMED has a responsibility to the people of the state to limit risks to health and safety by limiting the quantity of toxic, hazardous materials stored in the state. WIPP has met that limit. Any renewal at this time should require automatic permit revocation if Congress changes the law to increase the disposal limit above current standards.
5. The NMED should firmly resist assurances from DOE/NNSA that radioactive waste from plutonium pit production will be downgraded in toxicity to an acceptable level. (How many hundreds of thousands of years of toxicity constitutes acceptable danger?) The plan proposed by DOE exacerbates risk to the people of New Mexico as well as to residents of other states. DOE/NNSA recklessly proposes shipping surplus plutonium 3,100 miles through eleven states, passing by large cities, small towns, rural communities, ranches, and farmland. Such shipments include powdered plutonium oxide, a substance that, if inhaled, causes cancer 100% of the time. Per Sandia Labs, a release of particulate plutonium into the environment could not be cleaned up. Remediation would consist of abandonment of buildings and scraping of soil. Abandonment – of homes, schools, businesses, public facilities, parks and open spaces. Accidents happen. It is not a question of if, but when. The NMED must protect state residents from these unwarranted risks.

6. The NMED should oppose, not facilitate, DOE/NNSA strategies that ignore environmental justice. Any renewal permit must require (and enforce requirement) that NMED itself and DOE/NNSA provide studies of short- and long-term effects of WIPP-related activities upon communities near the plant site and along transportation routes. Analysis of how such activities may impact communities of color and low-income communities must be published, presented, and included in permit considerations. Any permit renewal must require (and enforce) quarterly public forums that are genuinely open and responsive to public participation. New Mexico residents have endured more than enough DOE Dog & Pony shows, outreach charades that are simply insulting.

I urge the NMED to stand strong in protecting the safety and health of New Mexicans above the interests of the DOE/NNSA. It is not in the interests of New Mexicans to shoulder the burden of ever-expanding, ever-lengthening radioactive waste-generating projects of national scope. (People whose livelihoods depend on these projects deserve and should receive job training and employment transition assistance.) The health and environmental risks associated with WIPP carry impacts on current residents and generations to come. Please do your duty to the State.

Finally, I note with profound disappointment the justified and continuing erosion of trust in processes and offices that are supposed to protect New Mexico residents from environmental hazards. I refer to the reported DOE employment offer extended to NM Water Quality Control Commission member Kelsey Rader at the time Ms Rader is considering a challenge to DP-1132, issued by NMED to the DOE in May 2022. Ms Rader, job offer notwithstanding, is now the elected vice-chair of the Commission. A job offer from the DOE constitutes a clear conflict of interest that simply abstaining from a vote does not remedy. Given the previous successful hiring by the DOE of NMED hearing officers Erin Anderson and Stephanie Stringer (who also presided over DP-1132 matters) one can only wonder if NMED functions, in effect, as a pipeline to federal employment in the agencies NMED is tasked with regulating. These hires and the current reported job offer truly undermine confidence in NMED's ability to protect New Mexicans from federal projects that put us at risk. I sincerely hope that the current WIPP renewal considerations are not plagued by similar conflicts of interest.

Thank you for your attention to my comments.

Sincerely,
Cynthia McNamara