

John Waters

To who it may concern:

The Carlsbad Department of Development is an organization made of 117 elected leaders, chief executives and owners of companies and dedicated to the promotion of Carlsbad and Eddy County as a cutting-edge location for economic growth and prosperity. We care a great deal about our community and the environment we live in and would not support anything that would endanger it. We hereby offer our opposition to ALL of the Governor's (and her NMED administration's) unreasonable and illegal permit requirements currently proposed for the WIPP NMED Permit. We believe that these demands show an incredible amount of bad faith on behalf of the NMED and would do nothing to help the environment in the nation, the state or in Eddy County. Please see attached resolution, which was passed without opposition at our last board of directors meeting in Carlsbad. Thank you for the opportunity to comment.

RESOLUTION 2023-03:
Opposition to Unreasonable and Potentially Illegal Permit Conditions
Proposed by the NMED on the WIPP Permit Application

Whereas, the Waste Isolation Pilot Plant (WIPP) has been an incredible success story for New Mexicans and for the nation and;

Whereas, WIPP is the crown jewel of the Department of Energy and a source of pride for many New Mexicans;

Whereas, since its opening in 1999, thousands of containers of Transuranic (TRU) waste have been permanently and safely disposed of 2,150 feet underground, including TRU waste from other locations in New Mexico, such as Sandia (SNL) and Los Alamos (LANL) and;

Whereas, WIPP has been an incredible economic driver for New Mexicans, generating thousands of high paying jobs and bringing global scientific expertise to the area and;

Whereas, WIPP's transportation record is second to none with over 15 million safely loaded miles and is used as a model for safety across the globe and;

Whereas, WIPP has worked diligently on compliance with its state regulatory agency, the New Mexico Environment Department (NMED) since opening and has continued to do so through four successive two term administrations in good faith and;

Whereas, the current administration, by adding a list of impractical, unenforceable, and unrelated (with respect to Resource Conservation and Recovery Act or RCRA) demands on the applicant for renewal, has departed from the practice of working in good faith in the issuance of a hazardous waste permit consistent with the promulgated rules laid out in the regulations and;

Whereas, the WIPP facility is federally operated on property granted through authority in the congressionally-passed and presidentially-executed WIPP Land Withdrawal Act, which pre-empts the state of New Mexico from any action to/or from this Act and;

Whereas, it is impractical and an obstruction to the critical federal program to require the DOE to perform unnecessary, costly, and time-consuming "root cause analyses" of each container whenever NMED requests it and;

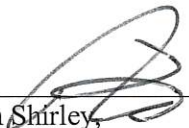
Whereas, it is even more of an obstruction to the national interest and this critical environmental cleanup program to allow the NMED require the DOE to effectively shut down shipments to the site whenever NMED requests for it any perceived concerns about human health or environment or when there may be any allegations or any type or degrees of permit noncompliance and;

Whereas, as a facility that serves the entire national weapons complex, it is unreasonable and contrary to the intent of the national defense and environmental cleanup programs to assume that the state of NM can hold the rest of the country hostage to prioritize all of the NM or Los Alamos wastes before any other waste from other out-of-state facilities and;

Whereas, the Carlsbad Department of Development (CDOD) is a private, non-profit agency with a membership consisting of over 100 community leaders and chief executive officers in industry, business and finance, the City of Carlsbad, Eddy County Board of Commissioners, Southeast New Mexico College, and others, all with a mutual goal of promoting the economic and general welfare of the citizens of the City of Carlsbad and Eddy County, and;

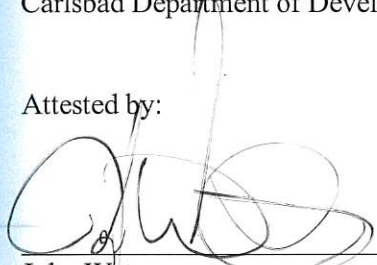
Whereas, the CDOD is dedicated to economic development within Carlsbad and Eddy County that enhances our community's quality of life, economic growth and the financial well-being of its citizens, and;

Now, therefore on this day of February 2, 2023, be it resolved that we, the Board of Directors of the CDOD hereby support the approval of a RCRA Permit application without NMED's newly proposed unreasonable permit requirements and furthermore encourage the NMED to drop their proposed additions and urge the Governor of the state of New Mexico to recognize and take into due consideration the high level of support that exists in New Mexico for the Waste Isolation Pilot Plant and its continued good service to our nation.



Jason Shirley,
President of the Board of Directors,
Carlsbad Department of Development

Attested by:



John Waters,
Executive Director
Carlsbad Department of Development

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As a follow up to the submission of the Resolution, I wanted to clarify that we, the Carlsbad Department of Development, are opposed to the draft permit as now proposed by the NMED and request a public hearing to be held in Carlsbad on the matter. We would supportive of the permit as it was issued in its last version approved ten years ago, but not with almost all of the new requirements placed on the currently proposed permit. Thank you for the opportunity to participate in public comment.