

Via e-mail to ricardo.maestas@env.nm.gov

Mr. Ricardo Maestas
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Re: Comments on the Waste Isolation Pilot Plant hazardous waste facility ten-year State Permit renewal application.

Dear Mr. Maestas and colleagues,

I am writing to express my grave concerns about the permit renewal process for the Waste Isolation Pilot Plant, focusing especially on the facility's challenges in long-term containment of dangerous radioactive and chemical materials, and how those challenges will be worsened by timeline and mission expansion.

I have been involved in, and knowledgeable about, WIPP for three and a half decades. I was a founding member and longtime Steering Committee member of Concerned Citizens for Nuclear Safety in the 1980s and 1990s. During that time, I researched, wrote and edited countless articles and fact sheets (vetted by DOE officials); testified in two committees of Congress as my Representative's expert witness; appeared on the Today Show; did public speaking and outreach; and contributed to thousands of pages of public comment submitted by CCNS and other citizen advocacy groups on DOE's Supplement to the Environmental Impact Statement for WIPP and the NEPA hearings pertaining to that.

I have subsequently served as a founding member and longtime Board member of Nuclear Watch New Mexico, have worked closely with the national Alliance for Nuclear Accountability, attended ANA's DC Days events for many years, and written/edited/formatted countless publications in those capacities.

My concerns about WIPP originated from a strictly environmental standpoint, but rapidly grew to encompass national and international nuclear weapons policy issues. There are numerous compelling reasons to see these issues as linked. We need to hold WIPP to the schedule and mission that were originally enacted as law, not adapt it as "needed" to production pressures at the nation's weapons Laboratories and production sites.

Such environmental and health safeguards as we succeeded in getting included at WIPP were provided to us by the State of New Mexico. The State point of view remains incredibly crucial to determining future operations and safeguards at WIPP. For this reason, I welcome the chance to address NMED with some observations about the current Permit renewal application.

When WIPP was green-lighted, the enormous controversy about it seemed to disappear almost overnight. Those of us who had opposed opening the facility essentially received the message: “You lost, therefore your concerns are moot, please turn your attention elsewhere.” As my focus had been primarily on the capability of the facility to contain the waste for the EPA control period of 10,000 years (or not), I found this incredibly frustrating. Containment issues will be of increasingly crucial importance long after WIPP’s operational phase concludes and must not be forgotten. Now that we face an emplacement/disposal phase potentially extended by decades, along with the inclusion of different waste streams and higher volumes of waste that were not allowed under the original Land Withdrawal Act, it’s time to look at these environmental issues again.

1. **Processes that can lead to off-site migration of radioactive and chemical contaminants have been well documented** and studied using various modeling techniques and detailed understanding of the region’s hydrology and geology. WIPP’s location above a highly pressurized brine reservoir and below the crucially important Rustler aquifer, which feeds local tributaries, the Pecos River, the Rio Grande and the Gulf of Mexico, virtually guarantees that **waste will eventually migrate off-site to some or all of those bodies of water**. The duration of the waste’s lethal health impacts (the plutonium in transuranic waste can cause illness and death for up to 240,000 years) means even the 10,000-year control period is not sufficient, but that is what has been mandated and must be met.
2. **The processes by which waste will escape the site will be accelerated and exacerbated both by a longer disposal phase and by the introduction of additional waste streams**. The supposed efficacy of the site was based on “undisturbed salt beds.” Every elevator or ventilation shaft that is sunk, every disposal panel carved out, every year of rumbling trucks, vibrations, human activity above and below ground further fracture and destabilize the anhydrite layers on which the repository’s entire design was based. Because thermal activity draws water TO the site, **accelerated degradation and decomposition of the metal containers and their contents will continue to drive ever higher temperatures and faster breakdown**. For this reason, ‘surplus plutonium,’ not included in the original agreement, must not become part of WIPP’s inventory. For this reason, waste characterization and regulation--disregard for which has led to accidents and shutdowns already experienced at WIPP, at great taxpayer expense--must be stringently reviewed and the process by which wastes are deemed acceptable for WIPP storage must be strengthened, not weakened.
3. **The poorly conceived design of the WIPP facility, which calls for its decommissioning and abandonment with no way ever to retrieve the wastes, becomes an even greater liability when the pathways for escape and the rate of contamination are thus accelerated**.
4. WIPP’s basic model would never have received certification before or after it did. The science was not settled; the site selection was politically motivated (let’s prey on a poor state by offering jobs). No sooner was WIPP opened than global scientific consensus shifted to the concept of Hardened On-Site Storage (HOSS) in which the waste is kept in a secure, monitored, retrievable location. So WIPP would likely never have been approved at a later date either. As a result, New Mexico is stuck playing host to an outdated concept which will inevitably pollute our natural resources. And now we are being asked to enlarge that danger and those consequences, also for political reasons. See 5.

5. More than 30 years ago, we recognized the link between a disposal facility and the push to keep the door open for continued weapons and waste production. WIPP was sold to us as a “pilot” facility; no attempt is being made to site weapons-waste disposal anywhere else. It was sold to us as an answer to Cold War legacy wastes; we feared then and clearly see now that it was chiefly intended as a path to continued manufacturing of nuclear weapons and the resulting creation of more and more weapons waste. That it is, in fact, the ILLUSION of a solution rather than a dedicated attempt to rid the biosphere of wastes going back to WWII. **Nuclear weapons waste, rather than being a finite problem to clean up, becomes an infinite problem, with WIPP serving to conceal that essential fact from public view.**
6. Just because the facility was allowed to open operationally does not mean that the well-documented original concerns about very real risks to the environment and resources of our state should be erased from public and regulatory awareness. If anything, human-error-caused accidents and shutdowns have demonstrated during operations that **the rosier performance projections were inaccurate all along.**

I am here to represent many voices, not just my own, that have defended nature and the public from nuclear weapons waste contamination for decades. I testified to DOE and NNSA officials on much the same “institutional memory” themes at the Town Hall Meeting organized by Santa Fe County Commissioner Anna Hansen, recently held at the Santa Fe Community Convention Center (with hundreds in attendance). At that time, **I extracted a guarantee from Mr. “Ike” White, DOE’s head of Environmental Management, that the early contributions of WIPP citizen advocates dating back to the 1980s would not be disregarded moving forward.** The issues have not gone away, we have not gone away, it is crucial that the work we have done for decades not go away either. If DOE can offer this guarantee, I feel **it must be matched or exceeded by a similar commitment from our State Environment Department.** “Mission creep” and added decades of transportation risks, along with higher volumes of waste and unpermitted waste streams from more generator sites are not the answer. New Mexico must not cave in to endless demands for permanent acceptance of the totality of this nation’s weapons waste including yet-to-be-generated wastes, when we were originally guaranteed limits on the capacity, timeline and scope of disposal. **WIPP’s limits and safeguards were a promise to the people of New Mexico from the State that must not be broken now.**

I request that NMED hold public hearings and make sure they are well-advertised in English and Spanish in every part of the state, to encourage public awareness and participation in this permit renewal and mission expansion issue. NMED should cultivate input from and negotiate language/terms with stakeholder groups including Conservation Voters New Mexico, Southwest Research and Information Center, Concerned Citizens for Nuclear Safety, Stop Forever WIPP, Nuclear Watch of New Mexico, and others. I also request that the comments these organizations are submitting at this moment to NMED on this permit renewal application receive your most respectful consideration, as they represent thousands of hours of study and advocacy, and unmatched expertise on environmental, policy and regulatory concerns. Thank you for your time and attention.

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We appreciate the opportunity to provide public comments on the Waste Isolation Pilot Plant (WIPP) hazardous waste facility Permit ten-year renewal application. This Permit contains terms and conditions that the New Mexico Environment Secretary has determined are necessary to protect human health and the environment, pursuant to 20.4.1.900 NMAC (incorporating 40 CFR §270.32(b)(2)).