

Ricardo Maestas
WIPP Group Staff Manager
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
E-mail: ricardo.maestas@env.nm.gov

I respectfully submit these comments on the WIPP Renewal Draft Permit

Dear New Mexico Environment Department,

Like many of my fellow New Mexicans I am deeply concerned about the Department of Energy's (DOE) 10-year Waste Isolation Pilot Plant (WIPP) Hazardous Waste Bureau Permit Application.

I would like to thank the New Mexico Environment Department (NMED) for their rewriting of the DOE's original application to address a number of my concerns. I support NMED's requirement that the DOE site other repositories, so that New Mexico does not bear the sole burden of disposing of the nation's military nuclear waste.

However there are remaining issues and concerns that NMED must include in the final, approved permit to truly protect New Mexico's people, lands and economies.

Please add, retain or strengthen the following:

- Prohibit any new waste streams, including Surplus Plutonium
- Prohibit new "replacement panels" at this time
- Retain the condition revoking the Permit if waste volume is increased by Congress
- Add a condition to require a defined end date for waste disposal preferably in 2024—at which time an estimated 10-year site closure period will begin
- Retain the requirement prioritizing New Mexico Waste but add language to prioritize Legacy Waste
- Retain conditions that support an increase in reporting, transparency for the public, and increased public involvement
- Strengthen the requirement to site another repository in a state other than New Mexico; require progress and include consequences

Thank you in advance for your consideration.

In cooperation,

Name: Eileen O'Shaughnessy
Address: 3424 Campus Blvd. NE
Date: Albuquerque, NM 87106

April 16, 2023

Thank you for considering
these comments
and for
stopping the
expansion of WIPP.

Mr. Ricardo Maestas
WIPP Group Staff Manager
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303

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

Dear Mr. Maestas:

I respectfully submit these comments on the Waste Isolation Pilot Plant (WIPP) Renewal Draft Permit.

DOE's ten-year WIPP Hazardous Waste Permit ("Permit"), last issued by the New Mexico Environment Department (NMED) in November 2010, is due to be renewed in 2023. WIPP is a facility authorized by Congress for the disposal of transuranic (TRU) radioactive wastes generated by the United States' nuclear weapons research and production programs. The Department of Energy (DOE) owns the WIPP facility, and DOE and Salado Isolation Mining Contractors co-operate the WIPP facility, who together are referred to as the "Permittees." WIPP first received a hazardous waste Permit from NMED in 1999 to dispose of TRU mixed waste containers 2,150 feet below ground in a mined geologic repository.

Disposal at WIPP is limited to defense-generated TRU and TRU mixed wastes. Mixed TRU waste has both a hazardous component and radioactive component of elements with atomic numbers 92 (uranium) and greater. Generally, TRU mixed wastes consists of clothing, tools, rags, residues, debris, soil and other items contaminated with radioactive elements, mostly plutonium, and hazardous components listed under the Resource Conservation and Recovery Act (RCRA) as heavy and toxic metals, non-liquid organic residues and inorganic and organometallic compounds.

Major issues in the draft Permit are DOE's proposed changes to extend operations at WIPP until 2050 and beyond and to mine new waste panels. More than half of WIPP's future capacity is being reserved for future radioactive wastes from expanded plutonium "pit" bomb core production. This will fundamentally change WIPP's mission from cleanup to direct support of increased nuclear weapons production.

Specific WIPP Renewal Draft Permit Comments

I agree with all of NMED's proposed changes to the draft Permit, including:

The closure date of WIPP shall be tied to the Permit term of ten years and the waste capacities in Permit Part 4, Table 4.1.1. This proposed change will require the Permittees to make a case for Permit Renewal at the end of the Permit term, that is every ten years. This allows the State of New Mexico to require an accurate inventory of waste awaiting cleanup around the United States, including Los Alamos National Laboratory, for emplacement at WIPP. (Section 6.5.2) The original WIPP closure date is 2024. DOE would like to extend the closure date to 2050, or beyond. NMED's proposed change would require DOE to justify keeping WIPP open every ten years as part of the Permit renewal process, including public hearings.

A new NMED Permit condition would trigger the revocation of the Permit if the disposal limit of 6.2 million cubic feet of transuranic wastes under WIPP's enabling legislation, the Land Withdrawal Act, is increased or otherwise changed by the U.S. Congress. (Section 1.3.1) This will help protect WIPP from being expanded.

A new NMED Permit section will require the prioritization of waste from New Mexico generator and storage sites for emplacement at WIPP. (Section 4.2.14) This will help to prioritize the disposal of TRU wastes from LANL at WIPP instead of DOE's current prioritization of out-of-state wastes.

In the new Permit, NMED proposes to clearly define its ability to suspend waste shipments to WIPP if there is evidence of a threat to human health or the environment or any Permit noncompliance. (Section C-1d) This gives NMED a stronger position to suspend shipments if something goes wrong.

NMED is adding a new section requiring compliance with transportation guidance to ensure the safe transport of waste through New Mexico, helping to keep the roads safer. (Section 1.7.7.1)

NMED is adding a new section requiring the submittal of an annual report detailing DOE's progress (or not) toward siting another repository for transuranic waste in a state other than New Mexico. (Section 2.14.3) This will force DOE to start looking for a WIPP replacement.

NMED proposes to update the requirements of the WIPP Community Relations Plan to include quarterly public forums that provide notice and allow for ample opportunity for public engagement on Permit and non-Permit related issues, as well as a return of pre-submittal meetings for Class 2 and 3 Permit Modification Requests. In addition, the Permittees must invite the members of the New Mexico Radioactive Waste Consultation Task Force to each quarterly public forum. (Section 1.15.2) This will help get more WIPP information out to the public.

NMED proposes to emphasize Permit language restating the mission of WIPP as a "pilot" plant for the permanent disposal of TRU wastes, as well as language related to the history of the Permit and post-closure activities. (Section H1.1.1) This will remind us and the federal government that WIPP is only a pilot plant, not a "forever" radioactive waste dump per DOE wishes.

NMED goals for WIPP must be to prevent its expansion in terms of both types of radioactive wastes disposed and its operating lifetime. I commend NMED on its tougher enforcement policy and urge the Department to continue doing so with respect to WIPP issues.

In closing, again I strongly support NMED's proposed changes to the WIPP RCRA permit.

Sincerely,

Name
City, State
Date

Eileen O'Shaughnessy
3424 Campus Blvd. NE
Albuquerque, NM 87106

April 16, 2025

I support NMED's
additions as
outlined above.



Demand Nuclear Abolition

100 Gold Ave. SW, Suite 201, Albuquerque, NM 87102

protectnewmexico@gmail.com

demandnuclearabolition.org

Megan McLean
Acting WIPP Group Program Manager
Hazardous Waste Bureau – NM Environment Department
2905 Rodeo Park Drive East, Bldg. 1
Santa Fe, NM 87505-6303

September 19, 2023

Dear Ms. McLean,

We are *Demand Nuclear Abolition* (DNA), formerly known as the Nuclear Issues Study Group, a multi-racial and multi-generational grassroots collective for students, activists, and artists to challenge radioactive violence through education, activism, and art based in Albuquerque since 2016, and this is our comment on the WIPP Renewal Draft Permit.

Our group is opposed to nuclear expansion of any kind—whether it is plutonium pit production or waste expansion. These are forms of ongoing nuclear colonialism that disproportionately impact Indigenous communities and Communities of Color. We are deeply concerned about and strongly oppose the WIPP site becoming a de facto dumping ground for the nation’s nuclear waste.

We thank NMED for your efforts to hold the Department of Energy (DOE) accountable to the people of New Mexico, ensuring the promises made when we agreed to host the Waste Isolation Pilot Plant (WIPP) are kept in the WIPP operating permit renewal.

- We support requirements for **strict standards on the types of military waste** allowed including only “legacy” TRU and TRU mixed waste.
- The permit should require DOE to provide annual reports on the siting of other **repositories**, which is crucial to preventing New Mexico from being targeted for all of the nation’s nuclear waste.
- We support Governor Michelle Lujan Grisham in using the full power and authority of her office to **prevent the expansion** of WIPP as she did when she signed SB-53 which stopped the Holtec centralized interim storage project from moving forward.

- We encourage the NMED to **strictly enforce** the various provisions of the Renewal Permit because the risks from the proposed expanded transportation would severely impact the health and economic well-being of New Mexicans.
- We strongly encourage NMED to honor the original commitment to closing WIPP by 2024.

Thank you for considering our input. Below are the names of our core group members.

Sincerely,

Demand Nuclear Abolition

Elizabeth Smith (Laguna Pueblo)
5851 Anderson Ave. SE, Apt. 11
Albuquerque NM 87108

Joel Lorimer
5700 Copper NE, Apt B1
Albuquerque NM 87108

Bianca Rivera
412 Cortez SE
Los Lunas, NM 87031

Brooke Holland
10401 Delicado PI NE
Albuquerque NM 87111

Rivala Garcia
534 Aliso NE
Albuquerque NM 87108

Téa Salazar
5812 Cochiti Dr. NW
Albuquerque NM 87120

Eileen O'Shaughnessy
3424 Campus Blvd NE
Albuquerque, NM 87106

Brendan Shaughnessy
3424 Campus Blvd NE
Albuquerque NM 87106

Susan Schuurman
2112 Charlevoix St NW
Albuquerque, NM 87104