



Department of Energy

Oak Ridge Office of Environmental Management
P.O. Box 4067
Oak Ridge, Tennessee 37830

June 22, 2026

Mr. John-David Nance, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505

Dear Mr. Nance:

**TRANSMITTAL OF THE U.S. DEPARTMENT OF ENERGY OAK RIDGE OFFICE
OF ENVIRONMENTAL MANAGEMENT COMMENTS TO THE NEW MEXICO
ENVIRONMENT DEPARTMENT DRAFT AGENCY-INITIATED MODIFICATION
OF THE DRAFT PERMIT FOR THE WASTE ISOLATION PILOT PLANT**

Reference: Letter from John-David Nance to Mark Bollinger and Ken Harrawood, *Issuance of Agency-Initiated Modification Draft Permit Waste Isolation Pilot Plant EPA I.D. Number NM4890139088*, dated April 22, 2026

The U.S. Department of Energy Oak Ridge Office of Environmental Management (OREM) opposes the New Mexico Environmental Department draft Agency Initiated Modification to the Waste Isolation Pilot Plant Permit. A public hearing is requested, and OREM requests that the New Mexico Environmental Department Agency Initiated Modification draft permit be rescinded.

Included with this letter are comments regarding potential impacts to OREM operations across the Oak Ridge Reservation, which includes the Transuranic Waste Processing Center, plus cleanup efforts at the Y-12 National Security Complex and the Oak Ridge National Laboratory.

If you have any questions, please contact me by email at Joanna.Hardin@orem.doe.gov or by phone at (865) 204-2945.

Sincerely,

Joanna G. Hardin, Acting Director
Quality and Mission Support Division

Enclosure

See Page 2 for cc list.

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cc w/enclosure:

Jill Fortney, SC-GCS

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The U.S. Department of Energy (DOE) Oak Ridge Office of Environmental Management (OREM) opposes the New Mexico Environmental Department's Agency Initiated Modification draft Waste Isolation Pilot Plant Permit and requests it be rescinded.

1. OREM has committed to the State of Tennessee to have waste processed and ready for disposal at the Waste Isolation Pilot Plant (WIPP) within a specific timeframe. WIPP acceptance of this waste is part of that agreement. OREM will not meet these commitments if WIPP cannot accept and receive this waste within the agreed timeframe. The permit restriction on waste from outside New Mexico constrains the DOE waste disposal strategy, which is based on a complex-wide approach, and should be rescinded.
2. The WIPP analyses of the proposed permit conditions indicate that the Oak Ridge Reservation (ORR) shipments between 2027-2035 would be reduced from the needed 238 shipments to 7. This allocation will impact the OREM ability to meet regulatory milestones and will result in fines. Failure to adhere to contact-handled and remote-handled Transuranic (TRU) milestones will result in fines of up to \$5,000 per day per non-compliance. Based on shipping projections and impacts starting in 2030, this timeline would result in a best-case-scenario estimated \$29 million (M) fine, assuming waste shipments can continue from OREM immediately following completion of Los Alamos National Laboratory legacy waste prioritization. This does not account for inventory from other sites or a potential lack of available space to receive waste. These permit conditions should be rescinded.
3. Allowing New Mexico to prioritize in-state waste versus out-of-state waste violates the dormant commerce clause because it is an unconstitutional restriction on interstate commerce. All permit conditions related to the prioritization of in-state waste should be rescinded.
4. Many ORR TRU waste streams contain previously packaged waste that would historically be categorized as legacy waste, while the associated facilities continue to generate TRU waste. Under the proposed definition of "legacy" waste, both the historical and newly generated portions of these waste streams could be classified as non-legacy waste, which will create regulatory and cleanup impacts. OREM requests clarification regarding whether legacy determinations are made at the individual container or waste stream level for facilities with both historical and ongoing TRU waste generating activities.
5. If the permit modifications are not revised, current ORR permitted TRU waste storage capacity will be exceeded by approximately 2029. OREM will be required to develop additional storage infrastructure in advance of 2029. This additional storage requirement would result in approximately \$19M in design, construction, and startup costs to support long-term accumulation of waste containers and \$6M in annual operating costs. TRU waste streams could be delayed into the late-2040s, once removal of ORR legacy TRU waste is complete, which would result in an accumulation of over 1,300 contact-handled drums and 1,100 remote-handled drums for continued storage and future shipment.
6. The addition of new storage facilities would require modification to the Resource Conservation and Recovery Act permit, facility design, construction, safety basis development, fire protection evaluations, additional staffing, and operational controls associated with long-term TRU storage.

**National TRU Program Proposed NMED Permit
Impact to the Oak Ridge Office of Environmental Management**

A Resource Conservation and Recovery Act permit modification to add storage capacity may take up to 18 months, requires a \$30,000 fee, a public comment period and meeting, and final inspection and approval by the Tennessee Department of Environment and Conservation (TDEC). OREM cannot control whether TDEC approves the modification, which could mean that all TRU waste generation at Oak Ridge would cease, including TRU waste generation associated with the cleanup on the ORR.

7. The DOE cooperative relationship with the State of Tennessee will be jeopardized if OREM is unable to make meaningful progress toward the Site Treatment Plan and is forced to negotiate additional storage under the permit.
8. The OREM-operated TRU Waste Processing Center is the only TRU waste shipping outlet on the ORR and has the capability to support other TRU waste generators around the DOE complex. If TRU Waste Processing Center cannot dispose of waste as agreed upon with TDEC, TDEC is unlikely to support acceptance of additional out of state waste. Without the capability to provide this state and regional benefit, OREM and the Office Environmental Management will need to re-evaluate its mission and support of TRU cleanup across the southeast region.