
June 3, 2026

Hon. James Kenney
Secretary
New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Dr. Suite N4050
Santa Fe, NM 87505

RE: WIPP is Critical to Environmental Cleanup; Restricting Shipments is Detrimental to the Local, State and National Cleanup Mission

On behalf of the Energy Communities Alliance (ECA)¹, I am writing to express our concern that the draft permit modification for the Waste Isolation Pilot Plant (WIPP) issued by the New Mexico Environment Department (NMED) will slow and endanger cleanup progress at sites across the country and impact the important work on-going at WIPP.²

ECA was surprised that NMED is requesting a new permit modification given NMED modified the WIPP permit less than two (2) years ago, after negotiations wherein NMED stressed the need to prioritize legacy waste while ensuring WIPP operates efficiently. The 2024 permit seems to be working well: NMED touted it as the result of “successful negotiations;”³ and “a Legacy TRU Waste Disposal Plan” was introduced into the permit to define the term “legacy waste” and to work with generator/storage sites and stakeholders to accurately inventory this waste once defined.⁴ In addition, Panel 12 will be reserved for legacy waste to the extent practicable. Without WIPP, communities hosting federal cleanup sites may become *de facto* storage sites for the TRU waste created during the Cold War.

It is well understood and supported that the priorities of NMED center on the health and safety of the residents and environment of New Mexico, making the successful and continued cleanup of Los Alamos National Laboratory an important endeavor. We fully understand and support that priority. WIPP is the nation’s only deep geologic repository for defense-related TRU waste, making it the linchpin for all cleanup efforts across the EM complex. The WIPP facility has assisted in the remediation of 22 DOE sites of legacy TRU waste since operations began. Its continued operation and accessibility to sites across the nation are critical. The facility’s mission is crucial, its success is a matter of record, and its continued operation – in alignment with the

¹ ECA represents the communities adjacent to DOE and NNSA nuclear facilities, and the Office of Environmental Management (EM) cleanup, including TRU waste packaging and disposal, is a critical mission at most of the sites. ECA NM local government members are committed to EM performing its cleanup mission at sites in New Mexico and around the country.

² On April 23, NMED issued a Public Notice announcing a Draft Permit to modify the permit for the Waste Isolation Pilot Plant. <https://hwbdocs.env.nm.gov/Waste%20Isolation%20Pilot%20Plant/260419>.

³ See NMED presentation, <https://www.nmlegis.gov/handouts/RHMC%20091324%20Item%202%20WIPP%20Update%20NMED.pdf>

⁴ ECA conducted a survey on “Legacy Waste” issues at WIPP. See the results [here](#). See, Appendix A.

original submission – is essential to fulfilling the legal and moral obligations to the nation's frontline cleanup communities, including Los Alamos.

It is important to continue and accelerate shipping TRU waste from Los Alamos National Laboratory as well as Idaho, Washington, Nevada, California, Tennessee, South Carolina, Illinois and other sites. Modifications restricting WIPP's ability to accept shipments from across the EM complex could weaken WIPP's operations and threaten jobs at WIPP. Reducing shipments to WIPP could have a negative impact on the WIPP facility, potentially disrupting WIPP's operations, to the detriment of EM sites across the country and their neighboring communities.

The current permit is new (2024) and adequately addresses the prioritization of legacy waste across the country and helps to address national environmental cleanup and security concerns. We request that NMED continues to work with communities and local governments under the current permit for WIPP.

The Permit Modification is Really About Budget

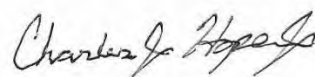
This request for a WIPP permit modification is really about the cleanup budget at Los Alamos. ECA supports more cleanup dollars at Los Alamos National Laboratory (LANL) and the Incorporated County of Los Alamos County, NM (Los Alamos County), a member of ECA, has expressed that DOE should prioritize WIPP shipments and the County's cleanup priorities (which are not occurring currently). DOE blames Congress for not appropriating the additional funds to accelerate the work and Congress blames DOE for not requesting the funding and not prioritizing WIPP shipments in the funding request. This dynamic has been ongoing for at least a decade, so it seems that NMED may be trying a different tactic – using WIPP as leverage to accomplish more cleanup.

However, slowing down cleanup at sites around the country and slowing work at WIPP and for the people that work at WIPP is also not the solution.

As we have in the past, ECA asks again that DOE, NMED and Congress work together to develop a clear solution and meaningfully include the impacted communities – Los Alamos County, Eddy County, Carlsbad, and Santa Fe County – in the discussions.

Please direct any questions to ECA Executive Director Seth Kirshenberg at sethk@energyca.org or 202.828.2494.

Sincerely,



Councilman Chuck Hope
Oak Ridge, TN
ECA Chair

Cc: Seth Kirshenberg, Executive Director
Energy Communities Alliance Board of Directors

Appendix A -2024 Survey

Should DOE Prioritize “Legacy” TRU Waste for Disposal at WIPP? : ECA RELEASES WIPP SURVEY RESULTS

Should DOE Prioritize “Legacy” TRU Waste for Disposal at WIPP?”

ECA RELEASES WIPP SURVEY RESULTS

Individuals and stakeholders from communities and DOE sites across the complex voiced their opinions on the [Waste Isolation Pilot Plant \(WIPP\) Legacy TRU Waste Disposal Plan \(Plan\)](#): any definition of Legacy TRU Waste should account for risk and age of the waste in question, and that the Plan poses an opportunity that cannot be missed to emphasize the importance of cleanup activities at sites, increase transparency between sites and DOE, and highlight impacts experienced at sites.

DOE’s [Waste Isolation Pilot Plant \(WIPP\)](#), as a requirement under its state permit, is developing a new “[Waste Isolation Pilot Plant \(WIPP\) Legacy TRU Waste Disposal Plan \(Plan\)](#)”. The WIPP mission includes disposal of defense transuranic (TRU) waste from DOE sites in communities across the country. ECA defines “Legacy” waste as TRU waste associated with the Cold War and pre-Cold War periods.

The definition of Legacy TRU Waste laid out in the plan could affect the prioritization of waste shipments and the accessibility of WIPP to these communities (DOE calls these sites “generator sites”). As a result, ECA members from Carlsbad and Eddy County, New Mexico, asked ECA to conduct a survey. ECA reached out to individuals in communities around the DOE sites, along with local, state and Tribal governments for feedback on the Plan. This included over 1000 individuals over the course of 10 weeks, to which ECA asked the following questions:

“Should DOE Prioritize “Legacy” TRU Waste or Treat all TRU Waste Equally for Disposal at the Waste Isolation Pilot Plant (WIPP) Under the New Permit with the State of NM?”

“How will your site/community be affected by the reprioritization of waste shipments at WIPP?”

Respondents represented communities around all current and projected future WIPP waste generators, plus additional DOE sites.

ECA came to four key conclusions after analyzing the results:

- Stakeholders see the Plan as a useful platform to emphasize the importance of clean-up activities and provide transparency regarding prioritization and proper disposal of defense TRU waste.
- The definition of Legacy TRU Waste should account for risk and age of waste. However, specific dates or time of cleanup are less important.
- A majority of respondents agree that prioritization of legacy waste is important.
- Respondents underscore that the reservation of Panel 12 for legacy waste “to the extent practicable” needs to consider impacts at generator sites, including risks from continued storage of waste, compliance with existing agreements, impacts to clean-up progress, and operational impacts.

ECA intends to use this report to provide input to DOE on its development of the Plan and equip ECA members around WIPP and generator sites to participate fully in the WIPP decision-making process. Input and support from communities around sites across the complex were key to making this survey an informative tool for the WIPP site. [View the results on our website by clicking the button below!](#)

[VIEW THE RESULTS](#)

WIPP provided a proposed draft definition of Legacy transuranic (TRU) and TRU mixed waste last month. The DOE Proposed Draft Definition is as follows:

“Legacy TRU and TRU mixed waste is defense-related TRU waste generated from the safe cleanup of environmental legacy resulting from decades of nuclear weapons development and defense-related testing and research.”

Shortly after releasing the definition, the [U. S. Department of Energy Carlsbad Field Office](#) and [Salado Isolation Mining Contractors](#) conducted a virtual [WIPP Information Exchange](#) to receive public input on the definition.