



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

**Richland Field Office**

3100 Port of Benton Blvd., Richland, WA 99354 • 509-372-7950

June 17, 2026

26-NWP-083

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

Re: Public Comment Period and Opportunity to Request a Public Hearing on the Draft  
Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant in Carlsbad, New Mexico,  
EPA Identification Number: NM4890139088

Dear Ricardo Maestas:

The Department of Ecology (Ecology) submits this comment in response to three of New Mexico Environment Department's (NMED) proposed changes to the draft Waste Isolation Pilot Plant (WIPP) Permit. Our primary concern is that it may impact United States Department of Energy's (USDOE) ability to follow through on legal obligations to dispose of Resource Conservation and Recovery Act (RCRA) Transuranic Mixed (TRUM) waste currently stored on the Hanford Nuclear Site located in Eastern Washington at WIPP.

Specifically, the proposed changes listed in NMED's Fact Sheet as Part 1 and Part 4, establish a definition for "legacy TRU waste" and set emplacement restrictions on legacy waste from generator sites across the USDOE Environmental Management complex. Ecology acknowledges NMED prioritization of legacy TRU waste and urges NMED to better define "legacy TRU waste". Ecology recommends using the previous agreed upon legacy waste definition for the Hanford Site as identified in the finalized Legacy TRU Waste Disposal Plan to cover the Hanford Site. Also, NMED should use emplacement allocation percentages to deliver on the legal obligations for disposal of all legacy TRU waste throughout the USDOE Environmental Management complex.

Ecology has based USDOE's legal obligations regarding the management of TRUM waste on the continued acceptance and emplacement of TRUM waste at WIPP through a series of milestones, initially created on December 31, 1996, for the Hanford Site.

Ecology supports NMED in their request to fully fund and meet all compliance obligations for all legacy TRU waste awaiting cleanup across the United States that would be emplaced at WIPP. Ecology also continues to support that transparency, and a full accounting of TRUM waste is needed to allow state and federal agencies to efficiently manage the process of treatment and disposal. The effective cleanup of mixed waste continues to be a colossal nation-wide project that can only be successful through compliant budgets and cooperation among the states.

To illustrate the unintended consequence Ecology comments here to prevent, we are sharing with NMED and USDOE the current accounting of the Hanford TRUM waste, see M-91 Transuranic Mixed/Mixed Low-Level Waste Project Management Plan, HNF-19169, Revision 27 Enclosed, as outlined in the legally binding agreement entered by Ecology, USDOE, and United States Environmental Protection Agency (EPA). *The Hanford Federal Facility Agreement and Consent Order* ([Tri-Party Agreement](#)) aims to achieve compliance with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) remedial action provisions and RCRA requirements.

The *Tri-Party Agreement* [Attachment 2: Action Plan](#), clearly outlines USDOE's compliance schedule in [Appendix D - Work Schedule Milestones and Target Dates Including Designation of Lead Regulatory Agency](#). Specifically, USDOE must complete the following under the M-091-00 Milestone Series:

- M-091-00, Complete the treatment to Land Disposal Restriction (LDR) treatment standards for all Hanford Site RCRA Mixed Low-Level Waste (MLLW) and TRUM waste (in above ground storage as of June 30, 2009, and in retrievable storage) by September 30, 2050.
- M-091-48, Complete the offsite shipment of all TRUM waste (in above ground storage as of June 30, 2009, and in retrievable storage) by September 30, 2050.

Within the M-091-00 milestone series, USDOE is required to update the *M-091 Transuranic Mixed and Mixed Low-Level Waste Project Management Plan HNF-19169, Revision 27* Enclosure. The project management plan identifies the following TRUM waste at the Hanford Site:

- Retrievably stored waste remaining to be retrieved from Low-Level Burial Grounds 218-E-12B, 218-W-3A, 218-W-4B, and 218-W-4C.
- TRUM waste is made certifiable in above ground storage.
- TRUM waste requiring to be processed into certifiable containers.
- Section 7 *TRU and TRUM Waste Generated from CERCLA Cleanup Actions* and *Appendix E Out Year CERCLA Cleanup Actions* provide information on the anticipated volumes of TRU or TRUM waste from CERCLA cleanup actions.

Again, Ecology recommends using the previous agreed upon legacy waste definition for generator sites for the Hanford Site as identified in the finalized Legacy TRU Waste Disposal Plan. This definition appears to be in line with what is described in the *M-091 Transuranic Mixed and Mixed Low-Level Waste Project Management Plan HNF-19169, Revision 27*.

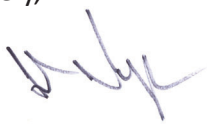
Ricardo Maestas, WIPP Group Staff Manager  
June 17, 2026  
Page 3 of 3

26-NWP-083

Ecology thanks you for this opportunity to provide public comment on the proposed permit changes and looks forward to collaborating with NMED in the future.

If there are any questions, please contact John Temple, Waste Management Section Manager, at [john.temple@ecy.wa.gov](mailto:john.temple@ecy.wa.gov) or (509) 980-1038 or Debra Alexander, Tri-Party Agreement M-091 Project Manager, at [debra.alexander@ecy.wa.gov](mailto:debra.alexander@ecy.wa.gov) or (509) 212-3505.

Sincerely,



Date: 2026.06.17  
08:36:25 -07'00'

John Temple  
Waste Management Section Manager  
Nuclear Waste Program

lb

Enclosure: HNF-19169, dated April 2025, *M-091 Transuranic Mixed and Mixed Low-Level Waste Project Management Plan, Revision 27*

cc electronic w/enc:

Laura Buelow, EPA  
Kelly Ebert, USDOE  
Debra Alexander, Ecology  
Edward Holbrook, Ecology  
Stephanie Schleif, Ecology  
Ed Soto, Ecology  
John Temple, Ecology  
Hanford Administrative Record  
USDOE Correspondence Control