

June 18, 2026

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

PROPOSED REVISIONS TO THE WASTE ISOLATION PILOT PLANT PERMIT

Dear Secretary Kenney:

I am writing on behalf of the City of Oak Ridge to urge the New Mexico Environment Department (NMED) to reconsider the necessity and effectiveness of the proposed Waste Isolation Pilot Plant (WIPP) permit modifications issued on April 23, 2026.

Unlike many of the U.S. Department of Energy's (DOE's) sites across the nation, the DOE's 33,000-acre Oak Ridge Reservation (ORR) is located entirely within the City limits of Oak Ridge. Our city has an exceptionally long record of engagement with DOE and the State of Tennessee as intergovernmental partners on environmental management issues, and has been supportive of WIPP's construction and operation as the nation's only deep geological repository for defense-related Transuranic (TRU) waste. In fact, officials from our city have traveled to Carlsbad for meetings and tours, most recently with the Energy Communities Alliance (ECA). Descending underground to tour the facility was a valuable opportunity to observe firsthand the dedication and of the skilled workforce, the effectiveness of the public safety and environmental regulations that are in place, and how the natural environment provides a significant protective barrier for disposition of hazardous materials.

The WIPP permit was modified less than two years ago to stress the need to prioritize legacy waste and to reserve Panel 12 at the facility for legacy waste to the extent practicable. The City welcomed this prioritization, as the DOE's Oak Ridge Environmental Management Program (OREM) manages an inventory of legacy TRU waste and mixed TRU waste that is designated for disposal at WIPP. The TRU material was generated from years of defense-related research conducted primarily at the Oak Ridge National Laboratory.

The City is concerned that the change in NMED's priorities as stated in the April 23 permit, to reserve Panel 12 for just one site and not all DOE sites, will have adverse impacts on our community. Delays in TRU shipments from Oak Ridge could increase risks to our citizens and the environment, and also cause economic losses due to reduced funding and potential workforce reduction associated with the TRU Waste Processing Center in Oak Ridge. Slowing down work at WIPP will cause ripple effects in Oak Ridge and extend across the federal complex.

Our community has a history of sharing the burden associated with treatment and disposal of waste from across the DOE complex. The DOE constructed the Toxic Substances Control Act (TSCA) incinerator in Oak Ridge to help manage a growing volume of mixed low-level waste (LLW) generated from various processes at ORR *and at other DOE facilities across the country*. The TSCA incinerator began operations in 1991 as the only facility in the nation capable of

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incinerating hazardous and radioactive waste containing PCBs. The incinerator was shut down in 2009 and subsequently deactivated and demolished.

During the years that TSCA operated, the Oak Ridge community accepted our state regulator's decision to allow importation of millions of pounds of PCB-contaminated mixed waste from DOE sites around the nation for treatment and incineration. Their rationale for the willingness to import such significant quantities of hazardous waste into Tennessee was the expectation that Oak Ridge wastes—particularly transuranic waste—would be exported to appropriate disposal sites in Western states, including WIPP. Our citizens reasonably expected that other DOE communities and facilities, including WIPP, would likewise be assuming a share of the burden of waste treatment and disposal from the DOE complex.

The timely completion of cleanup at the Oak Ridge Reservation (ORR) is a top priority of our community, and the disposition of all remaining ORR legacy waste at WIPP will be a significant milestone. The WIPP facility's mission is crucial, it has demonstrated success, and its continued operation is essential to our nation's ability to move forward with cleaning up every site throughout the complex.

The City believes the 2024 permit addresses the prioritization of legacy waste across the country and supports each of the sites' environmental cleanup goals. The City of Oak Ridge respectfully requests that NMED continue to work together with DOE, state and local governments, and other stakeholders to find solutions without placing undue burdens on communities, including Oak Ridge, which would be affected by the proposed NMED permit changes.

Thank you for your consideration of these comments.

Sincerely,



Warren L. Gooch
Mayor