

Arla Ertz

Comment in Support of the New Mexico Environment Department Agency-Initiated Modification (AIM) to the Draft Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant (WIPP), Carlsbad, New Mexico (NMED Draft Permit)

I hereby timely submit my comment in support of the New Mexico Environment Department (NMED) proposed Agency-Initiated Modification (AIM) to the Draft Waste Isolation Pilot Plant (WIPP) permit. The AIM reflects that the State is putting in some additional requirements because DOE didn't do what it agreed to. I applaud the State for asserting this important and necessary role on behalf of New Mexicans' health and safety! Please add my enthusiastic support to NMED's effort to modify the WIPP permit!!

As you are aware, on April 23, the New Mexico Environment Department (NMED) issued a draft permit proposing to require a minimum percentage of legacy shipments in the Waste Isolation Pilot Plant (WIPP) [Draft Hazardous Waste Facility Permit (Permit)]. The percentage comes as an AIM. New Mexico Hazardous Waste Regulations provide for NMED to modify an existing permit for cause upon the receipt of information not available at the time of permit issuance. NMED has determined there is sufficient basis for the development of this AIM that clarifies the priority to emplace legacy waste and reduces the risk of Los Alamos National Laboratory (LANL) legacy waste during the current permit term.

These proposed changes would require the Department of Energy (DOE) to ensure that legacy transuranic waste shipments from Los Alamos are more than half (by volume) of the annual total legacy waste shipments from all other DOE sites. I strongly support these proposed changes.

Although DOE may claim that it cannot afford this, even though it will be spending some 5 billion dollars this year on nuclear weapons pit production at LANL, cleanup is part of the job. DOE has not been doing that job from way back at the beginning of the Cold War. Furthermore, DOE plans to leave 1 million cubic meters of radioactive and hazardous waste buried in a seismic zone between a rift and a dormant super volcano.

I support the main proposed changes of the Draft Permit:

- From January 1, 2027, through December 31, 2031, at least 55% of the total volume of all waste emplaced at WIPP from all generator/storage sites must be LANL legacy waste.
- Beginning January 1, 2032, and until all LANL legacy waste has been emplaced at WIPP, LANL legacy waste must be at least 75% of the total volume of waste emplaced from all generator/storage sites.
- Legacy waste currently stored above-ground at LANL Material Disposal Area-G shall be shipped and emplaced at WIPP by July 1, 2028.
- If at any point any of those conditions are not met, all generator/storage site shipments (with the exception of LANL) must cease until all deficiencies are cured.
- An annual report, due by April 30 of each year, for each generator/storage site and for both legacy and non-legacy waste, shall detail information needed to demonstrate prioritization of LANL legacy waste and compliance with the requirements of this Permit section.

I believe it will be possible to get the above-ground waste out by July 1, 2028.

The AIM has no date for the buried waste to be gone. It simply has requirements for the percentages of LANL legacy waste to go to WIPP on an annual basis. A specific date is needed! I understand that Nuclear Watch New Mexico suggests January 1, 2029, as the required date to have completed this below-ground inventory.

WIPP is not a jobs program. It will be in operation long after its original completion date of 2024 that was promised to the people of the State of New Mexico. It is DOE itself that has been delaying work at WIPP by not funding WIPP adequately. DOE should be planning its next repository by now--in fact, it should have had at least one, if not several, in operation long ago! That fact that there is no other repository makes the term "Pilot" in WIPP's name ring hollow.

Pit production is NNSA's most expensive program ever, with \$5 billion to be spent over each of the next six years and at least \$60 billion over the next 20 years. Consideration of how taxpayer resources would be better used to address urgent national security threats such as cleanup, adverse climate change, and global pandemics should be paramount.

Respectfully submitted,
Arla S. Ertz
Winston, NM 87943

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