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Submitted via: HWB-WIPP-Comment@env.nm.gov

Re: Public Comment on Agency-Initiated Draft Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant

Public Notice No. 26-05 | EPA ID No. NM4890139088-TSDF

To the New Mexico Environment Department, Hazardous Waste Bureau:

I am submitting this comment during the public comment period on the Agency-Initiated Modification (AIM) draft Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant, issued April 23, 2026.

I share NMED's concern that legacy waste from Los Alamos National Laboratory poses ongoing risk to New Mexicans and that those risks deserve serious regulatory attention. However, I am writing to express concern that the mandatory disposal volume targets and accelerated shipping deadlines proposed in Permit Parts 4.2.1.4 and 4.2.1.5 may, in practice, create conditions that undermine the very safety objectives NMED seeks to achieve.

The 2014 radiological release at WIPP provides the clearest possible cautionary example. That incident — which closed the nation's only TRU waste repository for nearly three years and ultimately cost taxpayers an estimated \$2 billion — was caused by a single improperly characterized waste drum from LANL. Investigators concluded that pressure to accelerate waste shipments from LANL following the 2011 Las Conchas wildfire contributed to a breakdown in waste characterization procedures. In the rush to process and ship waste, workers at LANL substituted organic wheat-based cat litter for the required inorganic zeolite sorbent — a seemingly minor procedural change that produced a runaway chemical reaction underground. The resulting closure derailed cleanup operations at federal sites across the nation and caused far more harm to the cleanup mission than any delay in shipments would have.

The proposed permit conditions raise the same concern in a more formalized structure. Specifically:

— The mandate that LANL legacy waste constitute at least 55% of total disposal volume from 2027 through 2031, rising to 75% beginning in 2032, establishes a pace of disposal that may exceed LANL's capacity to properly characterize waste in compliance with permit requirements. Waste characterization is painstaking and cannot be safely accelerated beyond what the science and existing infrastructure allow.

— The requirement that all above-ground waste at LANL's Material Disposal Area-G be shipped and emplaced by July 1, 2028 imposes a hard deadline on a complex logistical and technical process. Deadlines of this nature — particularly in the context of reduced DOE budgets — create exactly the kind of institutional pressure that historically leads to shortcuts in waste characterization, packaging, and transportation safety review.

— The enforcement mechanism in proposed Section 4.2.1.4(vi), which requires that all non-LANL shipments cease until shortfalls are cured, creates a severe penalty structure that may further incentivize DOE to push LANL waste processing faster than is safe in order to avoid triggering a

broader operational shutdown.

I urge NMED to consider whether the permit as drafted could inadvertently replicate the conditions that led to the 2014 incident — not through negligence, but through the institutional pressure that rigid volume mandates and fixed deadlines impose on a technically complex process. The 2014 incident demonstrated that even a single improperly characterized container can shut down WIPP entirely, eliminate disposal capacity for all generator sites nationally, and ultimately cause far greater delay in legacy waste disposal than the pace the mandate sought to accelerate.

I respectfully suggest that NMED consider modifications to the draft permit that:

1. Establish prioritization requirements for LANL legacy waste without prescribing specific volume percentages that may not be achievable within safe waste characterization timelines;
2. Replace the July 1, 2028 hard deadline for Material Disposal Area-G shipments with milestone-based progress requirements that maintain accountability without creating an unsafe pressure to ship waste before it is properly characterized;
3. Modify the enforcement mechanism in Section 4.2.1.4(vi) to avoid creating conditions under which DOE faces severe consequences for failing to meet targets that may not be achievable at a pace consistent with proper characterization.

NMED's goal of holding DOE accountable for legacy waste cleanup is legitimate and important. The people of New Mexico have waited too long for meaningful progress on LANL waste risk reduction. But the most effective regulatory posture is one that drives genuine progress safely — not one that, under budget and operational pressure, could result in a safety failure that shuts down WIPP entirely and sets cleanup back by years.

Thank you for the opportunity to comment on this important permit action.