



**FACT SHEET**  
**December 20, 2022**  
**NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY TO REQUEST**  
**A PUBLIC HEARING ON A PERMIT RENEWAL**  
**DRAFT HAZARDOUS WASTE FACILITY PERMIT FOR**  
**THE WASTE ISOLATION PILOT PLANT**  
**CARLSBAD, NEW MEXICO**

**Facility Name:** Waste Isolation Pilot Plant  
**EPA Identification Number:** NM4890139088-TSDF

The New Mexico Environment Department (NMED) is seeking public comment on a Permit Renewal draft Hazardous Waste Facility Permit (draft Permit) for the Waste Isolation Pilot Plant (WIPP, or the Facility). The U.S. Department of Energy (DOE) and Nuclear Waste Partnership LLC (NWP), (together the "Permittees"), submitted a Renewal Application [WIPP Facility Administrative Record (AR) 200318] to NMED on March 31, 2020, along with an Updated redline strikeout (RLSO) for the Renewal Application [AR 220321] on March 17, 2022. On December 8, 2022, NMED issued a preliminary Renewal Fact Sheet [AR 221207]. Along with this reissuance of the Fact Sheet, a Public Notice is being issued on December 20, 2022, along with the draft Permit, initiating the start of the public comment period. This reissued Fact Sheet, the Public Notice, and the draft Permit are available on the NMED Hazardous Waste Bureau (HWB) WIPP News webpage at: <https://www.env.nm.gov/hazardous-waste/wipp/>. Please see information throughout this document to enable public participation in this Permit action.

**GENERAL BACKGROUND**

WIPP is a facility authorized by Congress for the disposal of transuranic (TRU) radioactive waste materials generated by atomic energy defense activities of the United States. The Department of Energy owns the WIPP facility, and DOE and NWP co-operate the WIPP facility.

WIPP manages wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., the New Mexico Hazardous Waste Act Chapter 74, Article 4 NMSA 1978 (HWA), and their implementing regulations. WIPP is a hazardous waste facility currently operating under a Permit issued by NMED authorizing the management, storage, and disposal of TRU mixed waste at the Facility. Mixed waste is radioactive waste that is also a hazardous waste as defined by the HWA and is thus subject to regulation by NMED. WIPP is currently permitted to manage, store, and dispose of hazardous waste, and to close hazardous waste disposal units, in accordance with these regulations. NMED is charged with issuing a Permit that will ensure WIPP's hazardous waste operations are managed in a manner protective of human health and the environment.

WIPP received a hazardous waste facility Permit from NMED in 1999 to dispose of TRU mixed waste containers 2,150 feet below ground in a mined geologic repository within the Salado Formation. The containers of waste must undergo complete waste characterization by the generator/storage sites in

compliance with requirements of the Permit prior to disposal. WIPP is permitted to accept contact-handled TRU waste containers with a surface dose of less than 200 millirem per hour that may be handled directly. WIPP is also permitted to accept remote-handled TRU waste containers with a surface dose of 200 millirem or greater that must be handled either remotely or with sufficient shielding to reduce the effective dose.

Prior to issuing a Permit, NMED is required by regulation to release a draft of the revisions to the Permit for public comment. NMED is also required to issue a Fact Sheet that serves two functions: 1) to facilitate public review of that draft Permit; and 2) to provide a brief summary of the basis for draft Permit conditions. The Fact Sheet describes the general background for the draft Permit, including: a physical description of the WIPP facility; its hazardous waste activities; a summary of the proposed changes; how the public may be involved in the permitting process; and the technical and regulatory basis for Permit requirements and conditions, including any policy questions considered. This Fact Sheet [AR2212XX] is available on the NMED Hazardous Waste Bureau (HWB) WIPP News webpage at: <https://www.env.nm.gov/hazardous-waste/wipp/>.

### **DESCRIPTION OF THE WIPP FACILITY**

The WIPP facility is located approximately 26 miles east of Carlsbad, New Mexico in a remote desert area where there exists a 2,000-foot-thick salt bed. Openings have been mined 2,150 feet underground near the middle of the salt formation. WIPP is a geologic repository mined within this bedded salt formation, which is defined in 20.4.1.101 New Mexico Administrative Code (NMAC) (incorporating 40 CFR § 260.10) as a miscellaneous unit. As such, Hazardous Waste Disposal Units (HWDUs) within the repository are eligible for permitting according to 20.4.1.900 NMAC (incorporating 40 CFR § 270) and are regulated under 20.4.1.500 NMAC (incorporating 40 CFR § 264, Subpart X, Miscellaneous Units).

### **GEOLOGY/HYDROLOGY OF THE WIPP FACILITY**

WIPP exists as a mined geologic repository 2,150 feet below ground within the Salado Formation, a 2,000-foot-thick salt layer chosen to permanently entomb the waste because of its creeping characteristics. This same salt creep creates the need for constant ground control in the WIPP underground to keep the drifts (tunnels) safe for workers. Directly above the Salado Formation is the Rustler Formation, a series of evaporites, carbonates, and clastic rocks. Above the Rustler lies the Culebra, which is the dominant water-bearing unit above the Salado Formation but has little significance for water production in the vicinity of WIPP. The facility is located hydrologically in a low-permeability, low-groundwater flow area.

WIPP monitors the flow, direction, and quality of groundwater in the Culebra annually. From the 2022 WIPP Annual Culebra Groundwater Report: "Evaluation of the resulting water quality data indicates no evidence of groundwater contamination associated with the disposal and management of transuranic mixed waste at the WIPP facility."

WIPP provides an annual analysis of the geomechanical pressures experienced in the WIPP underground. From the 2022 WIPP Annual Geotechnical Analysis Report: "...the accumulation of many years of collected information acquired from these programs contributes to the understanding of the dynamic geomechanical processes in the WIPP underground. This aids in the design of effective ground control and support systems."

### **TYPES AND QUANTITIES OF WASTE THAT ARE STORED AND DISPOSED**

Disposal at WIPP is limited to defense-generated TRU and TRU mixed wastes. Mixed TRU waste has a hazardous component and radioactive component of elements with atomic numbers 92 (uranium) and greater. Generally, TRU mixed waste consists of clothing, tools, rags, residues, debris, soil and other items contaminated with radioactive elements, mostly plutonium, and hazardous components consisting of RCRA-listed heavy and toxic metals, RCRA-listed organic residues (non-liquid), and RCRA-listed inorganic and organometallic compounds.

Environmental Protection Agency (EPA) hazardous waste numbers with the prefixes, "U", "F", "P", and "D", identified at 20.4.1.200 NMAC (incorporating 40 CFR Part 261, Subparts C and D), apply to TRU mixed waste streams managed at the WIPP facility. Specifically: (1) D codes denote the characteristics of ignitability (D001), corrosivity (D002), reactivity (D003), and toxicity (D004-D043); (2) F codes signify wastes from non-specific sources; and (3) P and U codes denote discarded commercial chemical products, off-specification species, container residues, and spill residues thereof, with the P codes signifying acutely hazardous wastes and the U codes signifying toxic wastes. Wastes with the characteristics of ignitability, corrosivity, or reactivity (D001, D002, and D003) are explicitly prohibited from management, storage, or disposal at the WIPP facility. The existing Permit identifies the EPA hazardous waste numbers that are acceptable at the WIPP facility.

Permit Part 4, Table 4.1.1 in the current Permit lists permitted capacities and final volumes for filled HWDUs. Permit Part 4, Table 4.1.1 in the draft Permit identifies new HWDUs, identified as Panels 11 and 12, proposed for construction and use, along with their proposed capacities. Panels 7, 8, 11, and 12 are proposed for use during the next term of the Permit.

### **PERMIT HISTORY/REGULATORY AUTHORITY**

On October 27, 1999, NMED issued a final decision to grant the initial Hazardous Waste Facility Permit to DOE for the storage and disposal of TRU mixed waste. The Permit was renewed and issued on November 30, 2010 and became effective 30 days later on December 30, 2010. The Renewal draft Permit, when finalized, would allow WIPP to continue hazardous waste management operations in much the same manner as those authorized by the existing Permit, such as: requiring generator/storage sites to implement applicable waste characterization requirements prior to the receipt of TRU mixed waste at WIPP; conducting waste characterization audits at generator/storage sites to ensure their implementation of and compliance with applicable requirements; safely managing, storing, and disposing CH and RH TRU mixed waste upon receipt at WIPP; performing required environmental monitoring of air and groundwater at WIPP to ensure protection of human health and the environment; closing all permitted storage and disposal units following final receipt of waste; conducting required post-closure care activities after final closure of WIPP; and complying with corrective action requirements related to any release of hazardous waste or hazardous constituents from the Facility.

The State of New Mexico's authority to regulate the hazardous waste at WIPP is governed under the HWA and RCRA. Under RCRA, the State of New Mexico has been granted primacy of the RCRA hazardous waste program within the state by the EPA. Specifically, New Mexico is authorized by EPA under 50 Federal Register 1515 (January 11, 1985) and subsequent authorizations. New Mexico implements this authority under the HWA and implementing regulations.

NMED provides regulatory oversight over the WIPP Permit to ensure compliance, which includes review and issuance of permit modifications, and observation, review, and approval of generator site audits. The

radiological aspects of the waste at WIPP are regulated by EPA. Through its Radiation Protection Program, EPA initially certified WIPP on May 13, 1998 and WIPP received its first shipment of TRU waste in March 1999 from Los Alamos National Laboratory. DOE submitted applications for recertification in 2004, 2009, 2014, and 2019. EPA issued its fourth recertification decision for WIPP on May 3, 2022 [AR 220501.5]. EPA determined that the WIPP facility continues to comply with EPA's waste disposal regulations and compliance criteria. Under this program, for the Permittees to continue disposing of waste at WIPP, they must demonstrate that the waste has been characterized in compliance with the EPA regulations at 40 CFR 194 and meets EPA's radioactive waste disposal standards (40 CFR 191). Further information on the EPA Certification and Recertification of WIPP can be found at: <https://www.epa.gov/radiation/certification-and-recertification-wipp>.

### **PERMIT MODIFICATION REQUESTS**

Permit Modification Requests (PMRs) are submitted to NMED by the Permittees based on changes made or changes being proposed at the Facility. NMED reviews submitted PMRs pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42) to ensure the changes are protective of human health and the environment. There are different classes of PMRs based on the complexity of the changes. Class 1 modifications are minor and are generally editorial, administrative, or informational in nature. Class 1\* modifications must request approval by NMED. Class 2 and 3 PMRs are substantial in nature and have public comment periods. Class 3 PMRs may include a public hearing. The public is key to ensuring a thorough review in the permitting process, often contributing important information and knowledge that improves the quality of final decisions.

### **PERMIT RENEWAL**

Permit renewals are planned events based on the Permit expiration date. The application for a new Permit is due at least 180 calendar days before the expiration date of the current Permit. The current Permit remains in effect pursuant to 40 CFR §270.51 and Permit Part 1, Section 1.7.4 while the Renewal Application is being processed as long as an on-time application has been received. During the reissuance proceeding for the Permit, pursuant to 20.4.1.901.B.7 NMAC, the Permittees have a duty to comply with all conditions of the existing Permit until a new final Permit is issued.

### **CURRENT PERMIT RENEWAL ACTIONS TO DATE**

The Permittees developed an internal Renewal Application working group and plan during the January to March 2019 timeframe. On March 30, 2019, the Permittees and NMED held the first scoping meeting to discuss the current Renewal. In July 2019, the Permittees agreed to submit a simple Renewal package with an early submittal date at the behest of NMED. Further scoping meetings were held between NMED and the Permittees August 14-15 and 27, 2019 to discuss changes being introduced for Renewal. On September 10, 2019 in Carlsbad and September 12, 2019 in Santa Fe, the Permittees hosted Renewal scoping meetings with the public [AR 190907.5]. On December 21, 2019, the Permittees posted the draft version of the Renewal Application RLSO on their webpage. On January 23, 2020 in Santa Fe and on January 30, 2020 in Carlsbad, the Permittees held Pre-Application Public Meetings [AR 191219]. On March 31, 2020, the Permittees submitted the Renewal Application [AR 200318] to NMED ahead of the required 180 days before the Permit expiration date of December 30, 2020. Notice of the availability of the Renewal Application with a link to it on the Permittees' website was posted by NMED on the HWB WIPP News webpage shortly after submittal. On August 28, 2020, NMED issued a Public Notice [AR 200816] announcing the availability of the Renewal Application for review, broadcast a Public Service

Announcement [AR 200817], posted documents associated with it on the HWB WIPP News webpage, and placed hard copies of the Renewal Application at the Carlsbad Public Library and the La Farge branch of the Santa Fe Public Library to facilitate public review. Once Covid-19 restrictions were reduced, hard copies also became available at the Carlsbad NMED DOE-Oversight Bureau office and the Santa Fe HWB office. On October 6, 2020, NMED determined administrative completeness [AR 201003], issued an invoice [AR 210320] to the Permittees on March 18, 2021, and received payment by the Permittees [AR 210405] on April 8, 2021. On August 3, 2021, NMED received a Class 3 PMR entitled, “*Construction and Use of Hazardous Waste Disposal Units 11 and 12*” [AR 210718] and the Permittees issued a Public Notice [AR 210804] announcing a public comment period for the PMR. Public comments received by NMED during this comment period on the Class 3 PMR are summarized in AR 211001 with comments added as AR 211001.01 through AR 211001.49. On December 17, 2021, NMED issued a letter [AR 211208] requiring the Permittees to consolidate the Class 3 PMR with the Renewal Application and submit an updated RLSO. On March 17, 2022, the Permittees submitted the Updated RLSO [AR 220321], posted it on their webpage, and provided notification to the WIPP Facility Mailing List [AR 220320]. On April 20, 2022, NMED held an informal stakeholder meeting to provide and gather information on Renewal issues and concerns [AR 220419]. A video recording of the meeting was posted on the HWB WIPP News webpage. On April 28, 2022, the Permittees held a townhall meeting [AR 220420] to provide information on the submittal of the Updated RLSO. On May 13, 2022, NMED issued a Technical Incompleteness Determination (TID) for the Renewal Application and requested additional information in order for NMED to complete its review and prepare a draft Permit. The TID requested two separate response timeframes. The Permittees submitted the 45-Day TID Response [AR 220512] on-time on June 27, 2022, and the 60-Day TID Response on-time on July 12, 2022 [AR 220709]. On December 8, 2022, NMED issued a preliminary Renewal Fact Sheet [AR 221207]. A Press Release accompanied the Fact Sheet, also dated December 8, 2022 [AR 221208]. This Fact Sheet [AR 221220] is being reissued, along with the draft Permit [AR 221218] and a Public Notice [AR 221219], as well as a Public Service Announcement [AR 221221], on December 20, 2022.

#### **BASIS FOR THE DRAFT PERMIT**

In preparing the draft Permit, NMED considered the March 31, 2020 Renewal Application and supporting documents, the March 17, 2022 Updated RLSO, the 45-Day TID Response, the 60-Day TID Response, public comments received at all stages of the Renewal process and public comments received during the Class 3 PMR comment period for Panels 11 and 12, perspectives gained through NMED’s and the Permittees’ public outreach efforts, the NMED technical contractor’s review, and applicable statutory and regulatory provisions.

The foundation for the draft Permit is the current Permit as of November 2022 with relevant modifications. The entire Permit is the subject of the draft Permit and this Renewal proceeding, and all portions are considered to be opened in this proceeding per 20.4.1.901.B.7 NMAC (incorporating 40 CFR § 270.41). On December 20, 2022, the draft Permit will be posted on the HWB WIPP News webpage at: <https://www.env.nm.gov/hazardous-waste/wipp/>.

#### **PERMIT ORGANIZATION AND FORMAT UPDATES**

The Permit is organized into eight (8) Parts, which contain the required conditions under which the Permittees can conduct their waste management activities, and thirty-four (34) Attachments which provide details of how the Permittees are to comply with the required conditions. The entire Permit comprises approximately 1,200 pages.

The draft Permit is being updated with multiple formatting changes to enhance organization. Within the Parts, cover pages have been added and the tables of contents have been moved to the fronts of the documents. Across all Parts and Attachments, the page numbers have been simplified at the bottom center of the pages and the headers are all left-justified and denote the particular Part or Attachment. The word “Facility” has also been added to one line of the headers. For ease of review, these formatting updates are not shown in RLSO in the draft Permit. Note: NMED has removed lists of “Permit Attachments” at the end of the Parts. These references were artifacts from the last Renewal process.

### **PERMITTEES PROPOSED CHANGES IN RENEWAL APPLICATION AND UPDATED RLSO**

A detailed description of all changes proposed by the Permittees can be found in the Renewal Application [AR 200318] in the table titled “Summary of Proposed Changes,” as well as in the Updated RLSO [AR 210321] in “Enclosure 2: Consolidation Matrix.” The Permittees have proposed several significant changes including the removal of defined closure dates from the Permit, instead tying closure to when permitted HWDUs are filled or have achieved their maximum capacities as outlined in Permit Part 4, or when the WIPP facility achieves its capacity of Land Withdrawal Act TRU waste volume; the addition of Panels 11 and 12; changes to reference DOE radiation guidance documents; and the consolidation of Permit figures into Attachment M, except where they have been retained in Attachments C and D. The Permittees have also attempted to streamline the Permit by reducing redundant language contained in multiple locations and by removing obsolete information and updating language with current information. The Permittees’ proposed changes are represented by **redline strikeout (RLSO)** in the draft Permit, where **underlined red font** indicates Permittees’ proposed language additions and **stricken-out red font** indicates Permittees’ proposed language deletions, all *without* turquoise highlighting.

### **NMED PROPOSED CHANGES IN DRAFT PERMIT**

NMED is proposing several changes to the Permit, ensuring compliance with the New Mexico Hazardous Waste Act, NMSA 1978, §§ 74-4-1 to -14 and the New Mexico Hazardous Waste Management regulations, 20.4.1 NMAC.

NMED proposed changes in the draft Permit are distinguished from changes made by the Permittees by **redline strikeout (RLSO) with turquoise highlighting**. Similarly, where NMED has retained Permit language proposed for removal by the Permittees, the retained Permit language is **black with turquoise highlighting**. Since the Parts are the responsibility of the permitting agency, all language changed within Parts is captured in turquoise highlighting, having been proposed by NMED.

#### NMED Table of Proposed Changes

NMED proposed changes to the Parts and Attachments in the draft Permit (aside from small editorial changes) are summarized in the table below.

Note: The table below includes columns specifying the exact location of the NMED proposed language in the draft Permit, in order to facilitate review. The draft Permit is posted on the HWB WIPP News webpage at: <https://www.env.nm.gov/hazardous-waste/wipp/>.

Topic	Draft Permit Part/Attachment	Draft Permit Section	Page #	Summary
#1 Closure	Part 6 Attachment G Attachment G Attachment H Attachment H1	Section 6.5.2 Introduction Section G-1d Introduction Introduction	p. 3 p. 4 p. 9 p. 3 p. 6	The closure date of WIPP is tied to the Permit term of ten years and capacities in Permit Part 4, Table 4.1.1. This proposed change will require the Permittees to make a case for Permit Renewal at the end of the Permit term. This Permit term allows the State and the public to require an accurate inventory of waste awaiting clean-up around the United States, including Los Alamos National Laboratory, for emplacement at WIPP.
#2 Permit Revocation	Part 1	Section 1.3.1	p. 6	NMED is adding a new Permit condition that triggers the revocation of the Permit if the Land Withdrawal Act (LWA) volumetric disposal limit for transuranic (TRU) waste of 6.2 million cubic feet at the WIPP facility is increased or otherwise changed by the U.S. Congress.
#3 Prioritization and Risk Reduction of New Mexico Waste	Part 4	Section 4.2.1.4	p.7	NMED is adding a new Permit section to require the prioritization of waste from New Mexico generator/storage sites for emplacement at WIPP as measured on a volumetric basis against the LWA capacity limit.
#4 Suspension of Waste Shipments	Attachment C	Section C-1d	p.13	NMED is clearly defining its ability to suspend waste shipments to the WIPP facility if there is allegation or evidence of a threat to human health or the environment or any Permit noncompliance. NMED is highlighting its right to suspend waste shipments to the WIPP facility associated with any allegations of Waste Analysis Plan (WAP) noncompliance as well.

#5 Root Cause Analysis	Attachment A1	Section A1-1d(2)	p.24	NMED is requiring the Permittees to perform a root cause analysis if there are suspected or actual issues related to shipping containers or when otherwise requested by NMED. Before waste from this shipping container is disposed at the WIPP facility, the results of the causal analysis must determine no harm to human health and the environment will occur as a result.
#6 Safe Transport of TRU Mixed Waste	Part 1	Section 1.7.7.1	P. 10	NMED is adding a new section requiring compliance with transportation guidance to ensure the safe transport of waste through New Mexico.
#7 Siting Another Repository	Part 2	Section 2.14.3	p. 22-23	NMED is adding a new section to require the submittal of an annual report detailing the DOE's progress toward siting another repository for transuranic waste in a state other than New Mexico.
#8 Public Participation	Part 1	Section 1.15.2	p. 20	NMED is updating the requirements of the WIPP Community Relations Plan to include quarterly public forums that provide notice and allow for ample opportunity for public engagement on Permit and non-Permit related issues, as well as a return of pre-submittal meetings for Class 2 and 3 Permit Modification Requests (PMRs). In addition, the Permittees must invite the members of the New Mexico Radioactive Waste Consultation Task Force to each quarterly public forum.
#9 Monitoring of Drilling Activities	Attachment A2	Section A2-5b(2)(a)	p. 23	NMED is requiring a summary of the results of the monthly surveillance of oil and gas production wells, and now saltwater disposal wells, within a one-mile perimeter outside the LWA boundary be included as a new component of the Annual Geotechnical Analysis Report.



Renewal Draft Permit Fact Sheet  
December 20, 2022

#10 Generator Site Technical Reviews	Part 2 Part 2 Attachment C3 Attachment C6	Section 2.3.2.2 Section 2.3.2.3 Section C3-7 Section C6-4	p.7 p.7 p.15 p.8-9	NMED is establishing a biennial requirement for Generator Site Technical Reviews (GSTRs) and requiring such reviews are tracked to completion with issues resolved and the results summarized in final audit reports for individual generator/storage sites shipping waste to WIPP. GSTR final reports, which must provide evidence that all issues have been closed out, must be included with final audit report submittals in order for NMED to approve them. A GSTR item was added to the C6 Checklist for audits.
#11 Panels 11 and 12	Part 4 Attachment J	Table 4.1.1 Table J-3	p.5 p.5	NMED acknowledges the Permittees' request to add Panels 11 and 12 over the next Permit term. Since the Parts are the responsibility of the permitting agency, NMED has added rows for Panels 11 and 12 in Permit Part 4, Table 4.1.1.
#12 Tables Combined in Part 4	Part 4 Part 4 Part 4 Attachment N Attachment N Attachment N	Table 4.4.1 Table 4.6.3.2 Section 4.6.3.3 Section N-1 Section N-1b Section N-3e(2)	p.8 p.15 p.17 p.6 p.7 p.13	To consolidate the information across panels, two separate pairs of tables in Permit Part 4 have been combined to show Volatile Organic Compound (VOC) Room-Based Limits and VOC Action Levels for Disposal Room Monitoring across three room height dimensions of Hazardous Waste Disposal Units (HWDUs)(for Panels 1-7, Panel 8, and Panels 11 and 12).
#13 Aisle Space	Attachment A1 Attachment A1	Section A1-1c(1) Section A1-1c(2)	p.12 p.19	NMED is adding language to address issues concerning aisle space in the Waste Handling Building.
#14 WIPP Mission	Attachment H1 Attachment H1 Attachment H1	Introduction Section H1.1.1 Section H1.1.2	p.6 p.9 p.10	NMED is retaining Permit language related to the mission of WIPP as a pilot plant for the permanent disposal of TRU waste, as well as language pertaining to the history of the Permit and post-closure activities. NMED is also introducing language relevant to repository

				footprint fencing during the post-closure phase.
#15 Panel Descriptions	Part 1 Part 4 Attachment A2 Attachment A2 Attachment G Attachment G1 Attachment N	Section 1.5.13 Section 4.1.1.2 Section A2-1 Section A2-2a(1) Table G-1 Section G1-1 Section N-1a	p. 7 p.4 p.4 p.11 p.26 p.5 p.6	NMED is providing clarification language to describe panels, including Panels 9 and 10, 11 and 12, and to indicate how certain panels were closed.
#16 Chemical Compatibility Requirements	Attachment C Attachment C4 Attachment G Attachment G Attachment G Attachment H1	Section C-5a(2) Section C4-3b Section G-1 Section G-1e(2)(c) Section G-1e(2)(d) Table G-2 Introduction	p.24 p.7 p.5 p.18 p.20 p.27 p.7	The chemical compatibility requirements in Permit Part 2 are the same as the requirements in the DOE Waste Acceptance Criteria. The requirements are being referenced here when discussing hazardous waste designations, or the disposal of derived waste and equipment at final facility closure. NMED is referencing these requirements to ensure incompatible items are not disposed in the underground.
#17 Lessons Learned	Attachment C3	Section C3-3	p.6	NMED is retaining Permit language associated with the sharing of information across generator/storage sites and believes “lessons learned” across the DOE complex should be regularly disseminated.
#18 Proposed WAP Changes	Attachment C4	Section C4-3g	p.12	NMED is retaining language related to “waste summary category groups” rather than the suggested Permittees’ proposed language of “waste streams” because the current Permit language is more encompassing. NMED is also not ready to entertain major or minor WAP-related Permit language changes introduced on the part of the Permittees at this time.
#19 Audit Caucus	Part 2 Attachment C6	Section 2.3.2.2 Section C6-1	p.7 P.4	NMED has confirmed its ability to observe the daily audit team caucuses as part of its observation of the audit process in order to approve final audit reports.

Renewal Draft Permit Fact Sheet  
December 20, 2022

#20 Retaining Annual Audits	Attachment C6 Attachment C6	Section C6-2 Section C6-3	p.5 p.6	NMED is retaining Permit language referencing the need for annual recertification audits for generator/storage sites. NMED is also not ready to entertain major or minor WAP-related Permit language changes introduced on the part of the Permittees at this time.
#21 Proposed C6 Checklist Waste Analysis Plan Changes	Attachment C3 Attachment C6	Section C3-4b Table C6-1	p.9 p.21	NMED is retaining Permit language for WAP Requirement 42 of the WAP C6 checklist pertaining to the data generation level data review process. NMED also is not ready to entertain major or minor WAP-related Permit language changes introduced on the part of the Permittees at this time.
#22 Peak Ground Acceleration	Attachment A1 Attachment A2	Section A1-1c(1) Section A2-2a(1)	p.12 p.7	NMED is adding language to clarify that the term “g” refers to peak ground acceleration for a design basis earthquake.
#23 Laboratory Performance Evaluation Plan	Part 4 Attachment N	Section 4.6.2.1 Section N-5e	p.12 p.21	NMED is retaining certain Permit language and introducing other language related to the Laboratory Performance Evaluation Plan (LPEP) which culminated in a proficiency testing plan ensuring the Permittees’ laboratory was able to perform analyses based on parts per billion.
#24 Closure Report	Part 6	Section 6.10.1	p.4	NMED is clarifying the need to submit a Closure Report when a HWDU is closed.
#25 Clarifications	Part 4 Part 4 Part 4 Part 7 Part 8 Part 8	Section 4.1.1.2 Section 4.5.2.1 Section 4.5.2.2 Section 7.2 Section 8.13 Section 8.13.2	p.4 p.10 p.11 p.3 p.19 p.20	NMED is adding and deleting language for clarification purposes. In some cases, duplicative language has been removed. References have also been updated and, in other instances, regulations have been correctly referenced.

**PUBLIC COMMENT AND REQUEST FOR HEARING**

NMED is issuing a Public Notice on **December 20, 2022**, to announce the beginning of a 60-day comment period in accordance with 20.4.1.901.A.3 NMAC that will end at **5:00 p.m. MT, February 18, 2023**. Any person who wishes to comment on the draft Permit and/or request a public hearing should submit a written comment, through NMED’s Public Comment Portal or by email or by postal mail, as detailed below. Please include the commenter’s name, and postal or email address. Only comments and/or requests for a public hearing received before **5:00 p.m. MT on February 18, 2023** will be considered.

**Three Methods to Submit Public Comments and/or Requests for a Public Hearing:**

Method	How to Submit
Public Comment Portal	Please click on this link and fill out your comment: <a href="https://commentinput.com">Waste Isolation Pilot Plant Permit Renewal Public Comment (commentinput.com)</a>
Email	Ricardo Maestas, WIPP Group Staff Manager E-mail: <a href="mailto:ricardo.maestas@env.nm.gov">ricardo.maestas@env.nm.gov</a>
Postal Mail	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

Please reference the *WIPP Renewal Draft Permit*.

Written comments should include, to the extent practicable, all referenced factual materials. Documents in the AR need not be re-submitted if expressly referenced by the commenter.

Requests for a public hearing shall provide: (1) a clear and concise factual statement of the nature and scope of the interest of the person requesting the hearing; (2) the name and address of all persons whom the requestor represents; (3) a statement of any objections to the draft Permit, including specific references to any conditions being modified; and (4) a statement of the issues which the commenter proposes to raise for consideration at the hearing. Written comments and/or requests for a public hearing must be submitted before **5:00 p.m. MT on February 18, 2023**. NMED will provide a thirty (30) day notice of a public hearing.

**PUBLIC REVIEW OF THE DRAFT PERMIT/INFORMATION REPOSITORIES**

Electronic access to the draft Permit and associated documents, as well as the WIPP Facility AR, is available on the HWB WIPP News webpage at: <https://www.env.nm.gov/hazardous-waste/wipp/>.

**Hard Copy Information Repositories:**

NMED - Hazardous Waste Bureau 2905 Rodeo Park Drive East, Building 1 Santa Fe, New Mexico 87505-6303 Phone: (505) 476-6000 Monday – Friday: 8:00 a.m. to 5:00 p.m. Contact: Ricardo Maestas Please call to make an appointment.	NMED - DOE Oversight Bureau 406 N. Guadalupe, Suite C Carlsbad, NM 88220 Phone: (575) 885-9023 Monday – Friday: 8:00 a.m. to 5:00 p.m. Contact: Amber Gellis Please call to make an appointment.
Santa Fe Public Library – La Farge Branch 1730 Llano Street Santa Fe, NM 87505 (505) 955-4860	Carlsbad Public Library 101 S Halagueno Street Carlsbad, NM 88220 (575) 885-6776

To obtain a printed copy of any portion of the AR, please contact Ricardo Maestas at (505) 476-6000 or by e-mail at: [ricardo.maestas@env.nm.gov](mailto:ricardo.maestas@env.nm.gov).

**PROCEDURES FOR REACHING FINAL DECISION**

NMED must ensure that the final Permit is consistent with the New Mexico Hazardous Waste Management regulations. After consideration of all written and oral public comments received and all data, views, and arguments presented at a public hearing, NMED will issue, modify and issue, or deny the Permit.

All written comments submitted will be considered in formulating a final decision and may cause the draft Permit to be modified or denied. NMED will provide notification of a final decision and a written response to comments, addressing all written public comments received during the comment period, on the HWB WIPP News webpage. The response to comments will specify which provisions, if any, of the draft Permit have been changed in the final decision and the reasons for the changes. All persons submitting written comments will be notified of the final decision and the availability of the response to comments through an interested person’s letter.

The Secretary of the Environment Department, or their delegee, will make the final decision publicly available and shall notify the Permittees by certified mail. The decision shall constitute a final agency decision and may be appealed as provided by the HWA (Chapter 74, Article 4 NMSA 1978).

**ARRANGEMENTS FOR PERSONS WITH DISABILITIES**

Any person having a disability and requiring assistance or auxiliary aid to participate in this process should contact Kathryn Becker, Non-Discrimination Coordinator | NMED | 1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502 (505) 827-2855 or [nd.coordinator@env.nm.gov](mailto:nd.coordinator@env.nm.gov).

Toll-free numbers are available for TDD or TDY users to access the New Mexico Relay Network at 1-800-659-1779 (voice); TTY users: 1-800-659-8331.

### **LANGUAGE SERVICES**

Any person needing language services (e.g., an interpreter at a public meeting or hearing, document translation) should contact Ricardo Maestas at (505) 476-6000 or by e-mail at: [ricardo.maestas@env.nm.gov](mailto:ricardo.maestas@env.nm.gov).

Real-time translation is now available on the NMED website, including on the HWB WIPP News webpage. NMED's new WeGlot translation tool has been implemented and uses all four of the major machine translation services to achieve high-quality machine translation in real-time for the entire NMED website. Please notice a small drop-down box at the top of webpages on the right-hand side. This drop-down can be used to display the website in Spanish or Vietnamese currently.

### **INTERNET ACCESS**

If internet access will be an issue for any person wishing to access documents on the HWB WIPP News webpage, please contact Ricardo Maestas at (505) 476-6000 or by e-mail at: [ricardo.maestas@env.nm.gov](mailto:ricardo.maestas@env.nm.gov) for information on area hot spots and locations with free WiFi access.

### **NON-DISCRIMINATION STATEMENT**

NMED does not discriminate on the basis of race, color, national origin, disability, age, or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 CFR Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kathryn Becker, Non-Discrimination Coordinator | NMED | 1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502 (505) 827-2855 or [nd.coordinator@env.nm.gov](mailto:nd.coordinator@env.nm.gov). If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.