



October 27, 2021

Reinhard Knerr, Manager
Department of Energy - Carlsbad Field Office
P.O. Box 3090
Carlsbad, New Mexico 88221-3090

Sean Dunagan, President and Project Manager
Nuclear Waste Partnership, LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

**Re: Final Determination on Class 3 Permit Modification Request and
Incorporation of three Class 1 Permit Modification Notifications
Waste Isolation Pilot Plant
EPA I.D. Number NM4890139088**

Dear Messrs. Knerr and Dunagan,

On October 27, 2021, the New Mexico Environment Department (NMED) Secretary signed a Final Order approving a draft Permit as a final Waste Isolation Pilot Plant Hazardous Waste Facility Permit (Permit), incorporating the following Class 3 Permit Modification Request (PMR): *"Excavation of a New Shaft and Associated Connecting Drifts."*

The Class 3 PMR, submitted August 15, 2019 by the Department of Energy and Nuclear Waste Partnership, LLC (collectively, the Permittees), was evaluated and processed in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42.b). The current Permit as of August 2020 was the basis for the revised Permit.

In addition to the Class 3 changes, this revised Permit incorporates the following three Class 1 Permit Modification Notifications (PMNs):

- February 10, 2021 Class 1 PMN: *Revised List of Resource Conservation and Recovery Act Emergency Coordinators*
- May 19, 2021 Class 1 PMN: *Five Items*
 - *Reassign Emergency Response Team Duties to the Waste Isolation Pilot Plant (WIPP) Fire Department*
 - *Streamline and Add the Annual Inspection of the Surface Remote-Handled (RH) Transuranic (TRU) Mixed Waste Handling Area to Attachment E, Table E-1a*
 - *Revise Procedure Number in Attachment L, Table L-6*
 - *Update Property Protection Area Fence Line to Incorporate Temporary Fence Changes and Update WIPP Emergency Evacuation Figures and Text*
 - *Revise List of Resource Conservation and Recovery Act Emergency Coordinators*

- October 12, 2021 Class 1 PMN: *Four Items*
 - *Replacement of the Rescue Truck and Two Fire Trucks with Functionally Equivalent Fire/Rescue Vehicles in Permit Attachment D, Resource Conservation and Recovery Act (RCRA) Contingency Plan, and Attachment E, Inspection Schedule, Process and Forms*
 - *Updated List of Emergency Response Agreements in Permit Attachment D, RCRA Contingency Plan*
 - *Revise Permit Attachment F, Facility Personnel Permit Training Program, to Incorporate the Option of Computer and Web Based Training Examinations*
 - *Revise Permit Attachment A4, Traffic Patterns*

The New Mexico Hazardous Waste Management Regulations at 20.4.1.901.A.10 NMAC state, "A final permit decision shall become effective thirty (30) days after the notice of the decision has been served on the applicant..." Therefore, the effective date of the Permit shall be November 27, 2021. The Secretary's decision may be appealed under the provisions of HWMR, 20.4.1.901.H NMAC and Section 74-4-14 of the New Mexico Hazardous Waste Act.

Attached is a disc containing the revised Permit Parts and Attachments, with Class 3 changes in redline strikeout, as well as a clean final version of the Permit.

Further information on this administrative action, including the Final Order, NMED's response to comments, and the final Permit, may be found on the NMED WIPP News webpage at <https://www.env.nm.gov/hazardous-waste/wipp/>.

If you have any questions regarding this correspondence, please contact me at the Hazardous Waste Bureau at (505) 690-6148.

Sincerely,

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

cc: D. Biswell, NMED HWB
M. McLean, NMED HWB
N. Barka, NMED HWB
B. Masse, NMED DOE-OB
L. King, EPA Region 6
T. Peake, EPA ORIA
R. Chavez, RES
M. Brown, DOE-CBFO
File: WIPP '21