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APR 02 2020

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**RE: APPROVAL OF REQUEST FOR EXTENSION OF TIME FOR CERTAIN HAZARDOUS WASTE FACILITY PERMIT
REQUIRED INSPECTIONS, REPORTS, PERSONNEL TRAINING, AND RECERTIFICATION AUDITS DUE TO
CORONAVIRUS DISEASE 2019 PREVENTIVE MEASURES
WASTE ISOLATION PILOT PLANT
EPA I.D. NUMBER NM4890139088**

Dear Messrs. Sosson and Dunagan:

The New Mexico Environment Department ("NMED") received the Department of Energy's ("DOE") and Nuclear Waste Partnership's ("NWP") (collectively, the "Permittees") Request for Extension of Time ("Request"), dated March 31, 2020, for certain inspections, reports, personnel training, and recertification audits specified in the Hazardous Waste Facility Permit ("Permit") at the Waste Isolation Pilot Plant ("WIPP or the Facility") due to Coronavirus Disease 2019 ("COVID-19") preventive measures. The Request was submitted pursuant to Permit Part 1, Section 1.10.3, *Extension of Time* which states:

"The Permittees may seek an extension of time in which to perform a requirement of this Permit, for good cause, by sending a written request for extension of time and proposed revised schedule to the Secretary. The request shall state the length of the requested extension and describe the basis for the request. The Secretary will respond in writing to any request for extension following receipt of the request. If the Secretary denies the request for extension, reasons for the denial will be stated."

The basis of the Request is to anticipate and inform NMED of how DOE's preventive measures to meet public health emergency orders issued by the State of New Mexico to minimize the spread and impacts of COVID-19 might affect Permit requirements. These preventive measures include self-isolation for some employees and allowing telecommuting from home for many employees in an effort to promote

social distancing. Further measures include additional reductions in workforce density where possible (e.g., staggered shifts) and curtailment of work activities. The guidelines and recommendations issued by the Centers for Disease Control and Prevention (“CDC”) and the State of New Mexico Department of Health are being followed to reduce the risk of virus transmission and impacts to the Facility workforce, their families, and the public. NMED notes that the WIPP Emergency Operations Center continues to operate in monitoring mode to quickly address issues as they arise.

The Permittees submitted the Request to address the following specific conditions of the Permit that may be affected due to the current and evolving situation related to COVID-19 preventive measures, along with associated explanations of need:

- 1) Permit Part 2, Section 2.3.2, *Audit and Surveillance Program*, requires certain conditions to be met as necessary for NMED to determine that applicable characterization requirements of Permit Part 2, Section 2.3.1 have been implemented before transuranic (“TRU”) mixed waste from generator/storage sites may be managed, stored, or disposed at the Facility.

Because of reduced staffing levels and because restrictions have been placed on business travel, annual recertification audits of generator sites and associated audit reports may not be completed on schedule.

- 2) Permit Part 2, Section 2.7.3, *Inspection Frequency*, requires that monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment be inspected at the frequency specified in Permit Attachment E, *Inspection Schedule, Process and Forms*.

Because of reduced staffing levels and due to potential work curtailments at the Facility, some inspections may not be completed on time.

- 3) Permit Part 2, Section 2.8, *Personnel Training*, requires that personnel training be conducted as specified in Permit Attachment F, *Facility Personnel Permit Training Program*. Permit Part 2, Section 2.8.4, *Continued Training*, requires continuing training be completed by the end of the month of the anniversary date when the training was previously completed.

Because of reduced staffing levels, including trainers and trainees, the training and qualification of some personnel fulfilling Permit positions may lapse.

- 4) Permit Part 1, Section 1.10.1, *Information Submittal*, specifies the Permittees shall submit by certified mail, hand delivery, or electronic transmittal with a subsequent hard copy, all reports, notifications, or other submissions required by the Permit.

Permit-required reports may be delayed due to reduced data collection, and laboratories used for sample analysis may not be available. Due to reduced staffing, there may be a delay in the submittal of paper copies of required reports. The Permittees propose to submit the Permit-required reports initially by electronic transmittal and subsequently as paper copies as the Facility workforce returns to duty.

Messrs. Sosson and Dunagan

Effective from the March 31, 2020 date of the Request, NMED hereby grants the Request for an extension of time for items 2, 3 and 4 above until the State of New Mexico Executive Order 2020-004 has been rescinded and the Facility resumes normal operating status. NMED will respond to Item 1: Permit Part 2, Section 2.3.2, *Audit and Surveillance Program* in a separate correspondence detailing additional guidance and expectations.

This Approval does not relieve the Permittees of their responsibility to adhere to Permit requirements; this Approval grants an extension of time during which these requirements may be met. NMED requests that the priority for Permit requirements during this time period be focused on the protection of human health and the environment. NMED accepts the Permittees' proposed information submittal compensatory measure and will accept electronic submittal of Permit-required reports while COVID-19 restrictions are in place.

The Request states that NMED will be notified once the Facility resumes normal operating status and an update will be provided on the status of all Permit-required inspections, reports, personnel training, sampling and monitoring activities, and re-certification audits affected by this extension of time approval. NMED requests that the Permittees capture this extension of time approval on the appropriate inspection sheets, training records, and in any other reports or correspondence affected by this extension of time approval.

If you have any questions regarding this matter, please contact Ricardo Maestas at (505) 476-6050.

Sincerely,



Kevin Pierard
Chief
Hazardous Waste Bureau

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