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October 4, 2023

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

Ken Harrawood, Program Manager
Salado Isolation Mining Contractors LLC
P.O. Box 2078
Carlsbad, New Mexico 88221-2078

**Re: Final Determination on Ten-Year Renewal Permit and
Incorporation of two Class 1 Permit Modification Notifications
Waste Isolation Pilot Plant
EPA I.D. Number NM4890139088**

Dear Messrs. Bollinger and Harrawood,

On October 4, 2023, the New Mexico Environment Department (NMED) Secretary's delegee, Environmental Protection Division Director Michelle Miano, signed a Final Order approving a Settlement Agreement and Stipulation on the Draft Permit as a final Waste Isolation Pilot Plant Hazardous Waste Facility Permit (Permit) for the Ten-Year Renewal.

On March 31, 2020, the U.S. Department of Energy (DOE) and Nuclear Waste Partnership LLC (NWP), (at this time, together the "Permittees"), submitted a Renewal Application to NMED, along with an Updated redline strikeout for the Renewal Application on March 17, 2022. Salado Isolation Mining Contractors LLC (SIMCO) replaced NWP on February 4, 2023 as the Management and Operating Contractor and Co-Permittee, along with DOE, for the WIPP facility (henceforth, in conjunction with DOE, the "Permittees"). June 20-23, 2023, NMED, in conjunction with the Permittees, held formal negotiations with parties who had submitted a hearing request and were in opposition to the Draft Permit. On June 23, 2023, the parties signed a Settlement Agreement and Stipulation on the Draft Permit. The Renewal 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 March 2023 was the basis for the revised Permit. In addition to the Renewal changes, this revised Permit incorporates the following two Class 1 Permit Modification Notifications (PMNs):

- May 15, 2023 Class 1 PMN: *Update Department of Energy (DOE) Carlsbad Field Office (CBFO) Manager Title and phone number in Permit Attachments A, B, and G.*
- August 2, 2023 Class 1 PMN: *Three Items*
 - *Update Attachments A2, B, D, G, and K to Address Panel 7 Closure;*

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- *Update Permit Attachment B, Appendix B1, Other Environmental Permits; and*
- *Update Permit Attachment D, Resource Conservation and Recovery Act Contingency Plan.*

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 3, 2023. The decision of the Secretary's delegee 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.

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 Megan McLean at (505) 690-5654.

Sincerely,



Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

cc: M. McLean, NMED HWB
A. Donahue, NMED HWB
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File: WIPP '23