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Steve Zappe

From: Penny McMullen [pmsl@osogrande.com]
Sent: Monday, March 22, 2004 4:26 PM
To: Steve Zappe
Subject: class 3 PMR

Steve Zappe
New Mexico Environment Department
2905 Rodeo Park Drive, Building 1
Santa Fe, NM 87505



RE: Class 3 Modification to WIPP Waste Analysis Plan

Dear Mr. Zappe:

The Loretto Community strongly opposes the permit modification request to the WIPP Waste Analysis Plan, and urges NMED to deny the request.

The New Mexico Hazardous Waste Act requires that the WIPP permit "protect public health and the environment." Section 74-4-4. The changes included in the request would not protect public health and the environment, so NMED cannot approve the changes without violating state law. Instead, the New Mexico Environment Department (NMED) should deny the request, as allowed by state regulations 40 CFR 270.42(c)(6).

The WIPP permit was developed through five years of public comment, 19 days of public hearings, and thousands of pages of documents. The State of New Mexico agreed to let the DOE open WIPP given certain restrictions to protect our Land of Enchantment and its mostly low-income minority population. But the DOE continuously tries to whittle away at these restrictions which were put in place to protect us.

This modification request by the Department of Energy (DOE) and Washington TRU Solutions would change hundreds of provisions that were found to be necessary by the Hearing Officer and the Secretary of NMED when they issued the WIPP permit, in order to protect public health and the environment

Changes proposed would eliminate many of the permit's sampling and analysis requirements to be carried out at generator sites. Eliminating headspace gas and homogeneous solids/soils and gravel sampling requirements cannot be justified. Reducing sampling of every waste container to only ten percent of the containers being shipped is unjustified and very dangerous, because the remaining 90% could contain waste that is not allowed at WIPP.

Eliminating much of the audit and surveillance program at each generator site and eliminating the room-based emission rate limits for volatile organic compounds are not justified. Indeed, all of those changes would

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endanger public health and environment and would substantially increase the likelihood that prohibited items would be shipped to WIPP.

Nonetheless, DOE does not even make the pretense of justifying the changes based on protecting public health and the environment. The real motivation seems to be speed, convenience, and cost-cutting, which should not be done at the expense of public health or the environment.

This modification request does not provide the basis for NMED to approve the changes. Please deny the modification request.

This letter is signed by Sisters, Comembers and Friends of the Loretto Community.

Thank you for your consideration.

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