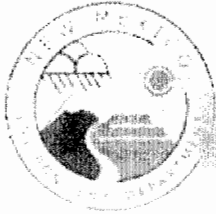


**Allen, Pam, NMENV**

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**From:** Winchester, Jim, NMENV  
**Sent:** Friday, March 21, 2014 3:04 PM  
**To:** Winchester, Jim, NMENV  
**Subject:** Environment Department Withdraws WIPP Draft Permit Modification Request  
**Attachments:** PR032114 NMED Withdraws WIPP Permit Modification Request.pdf; Notification of Draft Permit Withdrawal.pdf; Public Notice for NMED Withdrawal.pdf



STATE OF NEW MEXICO

## Environment Department

SUSANA MARTINEZ, GOVERNOR

Ryan Flynn, *Cabinet Secretary*

Butch Tongate, *Deputy Secretary*



# **NEWS RELEASE**

**March 21, 2014**

**Contact:** Jim Winchester  
Communications Director  
New Mexico Environment Department  
(505)231-8800 / [jim.winchester@state.nm.us](mailto:jim.winchester@state.nm.us)

## **Environment Department Withdraws Draft Permit for Waste Isolation Pilot Plant (WIPP) Class 3 Permit Modification Request**

*Department Needs Additional Information Related To The Two Recent Incidents At WIPP*

**Santa Fe** – The New Mexico Environment Department (NMED) today notified U.S. Department of Energy Waste Isolation Pilot Plant leaders that it has withdrawn the pending draft Permit for the Class 3 Permit modification request in light of the February 5, 2014 fire in the underground and the February 14, 2014 radioactive material release. NMED has requested, and will be requesting additional information related to these events that may influence the draft Permit. The withdrawal of the draft Permit is effective immediately and closes the current 60-day public comment period.

“NMED cannot move forward on the WIPP’s request to open additional underground storage panels and for the other requested permit modifications until more information is known about the recent events at the WIPP,” said Environment Secretary Ryan Flynn. “Just as NMED needs more information to make informed decisions on permit modifications, the public also needs more information about the radiation release in order to provide informed input during the public comment period. Once NMED has all of our questions answered, we will proceed with consideration of a revised draft Permit.”

On March 18, 2013, NMED received the Class 3 Permit Modification Request which included three items: (1) Modifications to the WIPP Panel Closure; (2) Repository Reconfiguration of Panels 9 and 10; and (3) Changes to the Volatile Organic Compound Monitoring Program. The draft permit was issued by NMED for public comment on February 14, 2014, and the comment period was scheduled to conclude on April 15, 2014. NMED may issue a revised draft when it is appropriate, but no timetable has been set for a possible reissuance due to the WIPP shutdown and ongoing incident investigation. In such a case, a revised draft Permit will be issued for public comment and a new public comment period will begin in accordance with the regulations.

Attached is a copy of the signed March 21, 2014 notification letter to the Department of Energy WIPP leaders and a copy of the official public notice of the withdrawal of the draft Permit for the Class 3 modification request.

Environment Secretary Ryan Flynn will make a few brief comments and be available for questions during a media conference call this afternoon at 4 P.M. MT.

### **MEDIA CONFERENCE CALL INSTRUCTIONS ARE LISTED BELOW:**

1. Time: 4:00 P.M. MDT

2. Media participants dial:

**Toll-free: 1-888-523-1228**

3. When prompted, media participants dial access code *followed by the # sign.*

**Media Participant: 6621103**

###

Jim Winchester  
Communications Director  
New Mexico Environment Department &  
Energy, Minerals & Natural Resources Department  
505.231.8800 (Cell Direct)  
[jim.winchester@state.nm.us](mailto:jim.winchester@state.nm.us)



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

***Hazardous Waste Bureau***

**2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.nmenv.state.nm.us](http://www.nmenv.state.nm.us)**



RYAN FLYNN  
Cabinet Secretary

BUTCH TONGATE  
Deputy Secretary

TOM BLAINE, P.E.  
Director

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

March 21, 2014

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

Robert L. McQuinn, Project Manager  
Nuclear Waste Partnership LLC  
P.O. Box 2078  
Carlsbad, New Mexico 88221-2078

**RE: WASTE ISOLATION PILOT PLANT, EPA I.D. NUMBER NM4890139088:  
NOTIFICATION OF DRAFT PERMIT WITHDRAWAL REGARDING THE  
CLASS 3 PERMIT MODIFICATION REQUEST FOR 3 ITEMS: ITEM 1, MODIFICATIONS  
TO THE WIPP PANEL CLOSURE; ITEM 2, REPOSITORY RECONFIGURATION OF  
PANELS 9 AND 10; ITEM 3, REVISE VOLATILE ORGANIC COMPOUND (VOC)  
TARGET ANALYTE LIST AND OTHER CHANGES TO THE VOC MONITORING  
PROGRAM**

Dear Messrs. Franco and McQuinn:

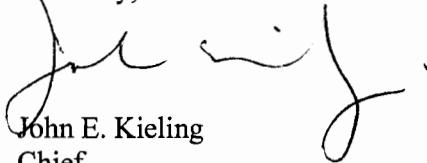
The New Mexico Environment Department (NMED) received a Class 3 modification request to the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit on March 18, 2013. The Class 3 modification request included three items: (1) Modifications to the WIPP Panel Closure; (2) Repository Reconfiguration of Panels 9 and 10; and (3) Revise Volatile Organic Compounds (VOC) Target Analyte List and Other Changes to the VOC Monitoring Program.

The draft Permit for the Class 3 modification request was issued by NMED for public comment on February 14, 2014, and was scheduled to conclude on April 15, 2014. In light of the recent

events at WIPP, including a fire in the underground and the radioactive material release, NMED has requested additional information relating to these incidents and the Class 3 modification request, in accordance with 20.4.1.901(B)(5) NMAC and WIPP Permit Section 1.7.8, that may influence the draft Permit language. And, NMED assuredly will request other additional information as further progress is made at WIPP. Therefore, NMED hereby withdraws the draft Permit effective immediately. Due to the withdrawal of the draft Permit, the current public comment period is now closed. Notice of the withdrawal of the draft Permit will be provided to all interested parties and will be posted in the Carlsbad Current Argus. NMED may issue a revised draft when it is appropriate. In such a case, a revised draft Permit will be issued for public comment and a new public comment period will begin in accordance with the requirements specified in 20.4.1.901 NMAC.

If you have any questions regarding this matter, please contact Trais Kliphuis of my staff at (505) 476-6051.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

JEK: TLK

cc: Tom Blaine, Director, NMED EHD  
Trais Kliphuis, NMED HWB  
Steve Holmes, NMED HWB  
Ricardo Maestas, NMED HWB  
Coleman Smith, NMED HWB  
Susan Lucas-Kamat, NMED DOEOB  
Jeffrey Kendall, NMED General Counsel  
Laurie King, EPA Region 6  
Tom Peake, EPA ORIA  
Connie Walker, Trinity Engineering  
File: Red WIPP '14



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

***Hazardous Waste Bureau***

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Santa Fe, New Mexico 87505-6303  
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RYAN FLYNN  
Cabinet Secretary

BUTCH TONGATE  
Deputy Secretary

TOM BLAINE, P.E.  
Director  
Environmental Health Division

**PUBLIC NOTICE No. 14-02**

**NEW MEXICO ENVIRONMENT DEPARTMENT  
HAZARDOUS WASTE BUREAU  
SANTA FE, NEW MEXICO  
March 21, 2014**

**PUBLIC NOTIFICATION OF DRAFT PERMIT WITHDRAWAL  
EPA ID NUMBER: NM4890139088-TSDF**

The New Mexico Environment Department (NMED) is notifying the public that it is withdrawing the draft Permit issued on February 14, 2014 in the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit (Permit) Class 3 modification request.

The mission of WIPP is to manage, store, and dispose hazardous waste, and to close hazardous waste disposal units, in accordance with the New Mexico Hazardous Waste Act and its implementing regulations. NMED is charged with issuing a permit that will ensure that WIPP's hazardous waste operations are managed in a manner protective of human health and the environment.

WIPP manages wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (Chapter 74, Article 4 NMSA 1978), and their implementing regulations. NMED received a request for a Class 3 modification to the WIPP Permit on March 18, 2013. It included three items: Item 1, Modifications to the WIPP Panel Closure; Item 2, Repository Reconfiguration of Panels 9 and 10; and Item 3, Revise Volatile Organic Compounds (VOC) Target Analyte List and Other Changes to the VOC Monitoring Program.

The draft Permit for the Class 3 modification was issued for public comment on February 14, 2014. The public comment period was scheduled to conclude on April 15, 2014. In light of the recent events at WIPP, including the fire in the underground and the radioactive material release, NMED has requested, and will be requesting, additional information from WIPP related to these events and the Class 3 modification request, which may influence the draft Permit. All information obtained by NMED will be posted to its website promptly to ensure the public has the most up to date information on the events and the Class 3 modification request. Therefore, NMED is withdrawing the draft Permit effective immediately. Due to the withdrawal of the current draft Permit, the public comment period is now closed. Notice of the withdrawal of the draft Permit will be provided to all interested parties, including those on the facility mailing list. Notice will also be posted in the Carlsbad Current Argus. NMED may issue a revised draft when it is appropriate. In such a case, a revised draft Permit will be issued for public comment in accordance with the requirements specified in the Hazardous Waste Management Regulations, 20.4.1.901 NMAC.

Any person seeking additional information regarding this notice may contact:

Trais Kliphuis, WIPP Project Manager  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303

E-mail: [trais.kliphuis@state.nm.us](mailto:trais.kliphuis@state.nm.us)  
Phone: (505) 476-6000  
Fax: (505) 476-6060