

5-23-17

PUBLIC COMMENT

U.S. Department of Energy

Waste Isolation Pilot Plant Hazardous Waste Facility Permit

Community Relations Plan

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NMED

WHO: The U.S. Department of Energy and Nuclear Waste Partnership LLC (the Permittees) and the Hazardous Waste Bureau are seeking public comments and suggestions to improve the Waste Isolation Pilot Plant Hazardous Waste Facility Permit Community Relations Plan as part of the WIPP Hazardous Waste Facility Permit (Permit Number: NM4890139088-TSDF) issued by the New Mexico Environment Department.

New Mexico residents, organizations, interest groups, federal, state and local government entities, tribal governments and tribal members are encouraged to provide comments or suggestions to the Permittees to enhance the Plan.

WHAT: The Community Relations Plan is designed to inform communities and interested members of the public about WIPP Hazardous Waste Facility Permit activities and opportunities for public participation in those activities.

PLAN ELEMENTS:

Part 1, Section 1.15.2 of the WIPP Hazardous Waste Facility Permit identifies six key elements of the Plan:

1. Establish working relationships with communities and interested members of the public.
2. Establish productive government to government relations between the U.S. Department of Energy and affected tribes and pueblos.
3. Inform communities and interested parties of permit activities.
4. Minimize disputes and resolve differences with communities and interested members of the public.
5. Provide timely responses to individual requests for information.
6. Establish mechanisms for communities and interested members of the public to provide feedback and input to the Permittees.

WHEN: The Permittees propose minor updates to the Plan which will be mailed to individuals on the WIPP Facility Mailing List May 23, 2017, for comment. Proposed updates are also available online at: <http://www.wipp.energy.gov/WIPPCommunityRelations/index.html>

HOW TO PROVIDE COMMENTS:

Contact the Permittees by e-mail, telephone or by mail to receive a copy of the updated WIPP Hazardous Waste Facility Permit Community Relations Plan and a comment form.

Comments and suggestions can be made online by accessing the Plan at: <http://www.wipp.energy.gov/WIPPCommunityRelations/index.html> and clicking on "Comments."

E-mail: communityrelations@wipp.ws

Call the toll free telephone number: 1-866-271-9640, available during normal business hours, Monday through Friday, 7:30 a.m. - 4:30 p.m. MST

Mailing address: Bobby St. John, Nuclear Waste Partnership, P.O. Box 2078, Carlsbad, NM 88221

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WIPP Facility Operates to Administrative Orders Issued By the New Mexico Environment Department

In December 2016, the WIPP facility was authorized to resume waste emplacement operations after completing a series of independent reviews and pre-start corrective actions. Emplacement operations were suspended in February 2014, following two unrelated events in the WIPP underground which resulted in off-normal facility conditions: a salt haul truck fire on February 5 and a radiological release on February 14.

Since 2014, the WIPP facility has been operating to administrative orders (AOs) issued by the New Mexico Environment Department (NMED). The three administrative orders were designed to protect human health and the environment while the facility was safely recovered. The AOs also assured that the NMED received timely information related to the management and storage of hazardous wastes on the surface or disposed in the underground.

The first AO, issued on February 27, 2014, addressed Permit requirements for surface inspections, monitoring, recordkeeping and reporting. The AO was closed by the NMED on December 16, 2016, based on its review of submitted information required by the three AOs and the results of the December 2016 inspection of the WIPP facility. However, the extended storage deadline for transuranic waste in the Waste Handling Building and the requirement to provide periodic reports are still in effect.

The second AO, issued on May 12, 2014, requires the monitoring of trichloroethylene; the development of an Underground Compliance Plan; and Underground Derived Waste Storage Plan, and submittal to the NMED of any revisions or actions taken under the plans. This Order also addresses requirements for the inspection of underground equipment, monitoring, recordkeeping and reporting. Provisions of the second AO remain in effect.

The third AO, issued by NMED on May 20, 2014, required the Permittees to prepare and execute the *Waste Isolation Pilot Plant Nitrate Salt Bearing Waste Container Isolation Plan* to isolate disposed waste containers in underground Panel 6 and Panel 7, Room 7 that contain incompatible nitrate salts such as the waste container identified as the source of the Feb. 14 radiological release. This order also required regular updates on Plan implementation. Provisions of the third AO remain in effect.

Information regarding any action subject to these three AOs is required to be posted to the WIPP Information Repository within five working days of submission to NMED.

In response to the Settlement Agreement and Stipulated Final Order resulting from the Administrative Compliance Order issued by the NMED in December 2014, the Permittees are in the process of completing Supplemental Environmental Projects (SEPs) and other corrective actions outlined in the settlement agreement. The transmittals of the Certificates of Completion for each SEP and the monthly progress reports associated with the corrective actions are posted on the WIPP Information Repository.

For more information regarding WIPP Permit activities see the [WIPP Information Repository](#).

1.0 Introduction

1.1 Plan Required by Permit

This Community Relations Plan is a requirement of the Hazardous Waste Facility Permit (Permit) for the U.S. Department of Energy's Waste Isolation Pilot Plant (WIPP) facility. The New Mexico Environment Department (NMED) re-issued the 10- ~~ten~~-year Permit to the U.S. Department of Energy and Nuclear Waste Partnership LLC, (the Permittees), in November 2010.

1.2 Participants

The intended participants of this Community Relations Plan are interested members of the public who reside within the state of New Mexico and include individuals, organizations, special interest groups, federal, state and local government entities, tribal governments and tribal members.

1.3 Purpose

The purpose of the WIPP Hazardous Waste Facility Permit Community Relations Plan (the Plan) is to provide Permit-related information to communities and interested members of the public and to alert the public to opportunities for participation in the Permit process. Permit-related activities include waste disposal operations, facility closure, post-closure and Permit-driven corrective actions.

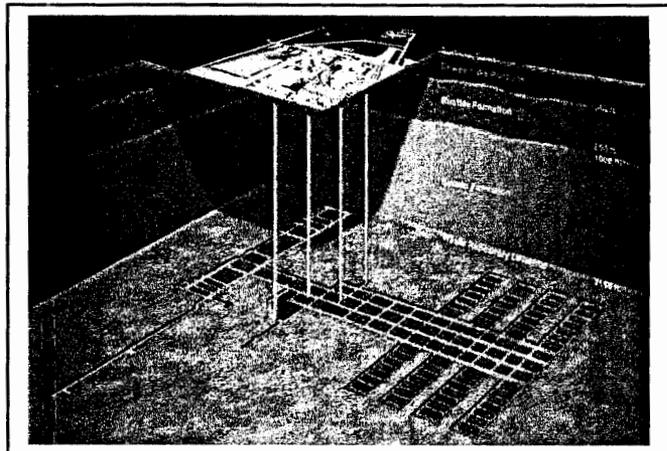
The U.S. Department of Energy (DOE) operates the WIPP facility in a transparent manner. The DOE has conducted WIPP Project outreach programs in New Mexico for more than two decades to establish open working relationships with communities, tribal governments and residents statewide. The Permittees view this Plan as an opportunity to expand public participation and dialogue in the WIPP facility Permit process.

The Plan is web-based to reach a broad spectrum of New Mexico residents and tribal governments. Alternate methods to disseminate permit-related information to members of the public who may not have computer access are included in this Plan. These avenues of communication are further discussed in Section 3.0 How to Use this Plan.

2.0 Overview of the Waste Isolation Pilot Plant

So that members of the public may better understand the WIPP mission and Permit, this Plan begins with an overview of the WIPP facility.

The WIPP facility is owned and operated by the DOE through its Carlsbad Field Office (CBFO). Nuclear Waste Partnership LLC (NWP) is the co-operator of the WIPP facility and performs day-to-day plant operation. ~~The DOE and NWP are co-Permittees to the Permit.~~



2.1 Location and Facility

The WIPP facility is located 26 miles southeast of Carlsbad, New Mexico. It is designed and operated for the safe disposal of transuranic, or (TRU) radioactive waste resulting from U.S. nuclear defense programs.

In 1992, Congress withdrew 16 sections of land from the public domain to be used by the DOE for the WIPP facility purposes. The WIPP facility consists of surface facilities to receive and prepare waste for disposal, and an underground repository that includes disposal rooms excavated from a geologically stable salt formation nearly one-half mile underground. The formation, which has existed for more than 250 million years, also demonstrates the absence of water.

2.2 TRU Waste

TRU waste consists mostly of is solid materials such as protective clothing, rags, tools, soils and residues contaminated with radioactive elements—mostly plutonium. The majority of this waste resulted from government research and the production of nuclear weapons. TRU waste will also be generated as some DOE sites are decommissioned.

TRU mixed waste contains both radioactive and hazardous waste components. Some TRU waste contains non-radioactive chemicals such as solvents which are classified as hazardous waste under federal and state law. The WIPP Permit is required to manage and dispose of these TRU and hazardous "mixed" wastes. The NMED regulates the management, storage and disposal of the hazardous waste contained in the TRU mixed waste through the Permit.

In 1999, NMED issued the initial WIPP Permit that allowed the DOE to receive its first waste shipment from Los Alamos National Laboratory in northern New Mexico for disposal at the WIPP facility. The Permit was renewed for a 10-ten year period in 2010.

The project life cycle and the amount of waste to be disposed at the WIPP facility is detailed in the Permit as follows: "During the disposal phase of the facility, which is expected to last 25 years, the total amount of waste received from off-site generators and any derived waste will be limited to 175,600 cubic meters of TRU waste, of which up to 7080 cubic meters may be remote-handled TRU (RH-TRU) mixed waste. For purposes of the WIPP Permit, all TRU waste is managed as though it were mixed."

2.3 Regulatory Background and the Hazardous Waste Facility Permit

In 1976, the U.S. Congress passed the Resource Conservation and Recovery Act (RCRA) to regulate "cradle to grave" management of hazardous waste. In accordance with RCRA, the U.S. Environmental Protection Agency (EPA) can authorize states to implement their own hazardous waste regulatory programs in lieu of the federal program. The State of New Mexico is authorized to implement and enforce its own hazardous waste management program which includes regulating the hazardous components in TRU mixed waste that are disposed at the WIPP facility.

The EPA certifies DOE compliance with environmental standards for the disposal of radioactive materials such as the TRU waste disposed 2,150 feet underground. At five year intervals, the

DOE must demonstrate to EPA through a recertification process that the WIPP underground disposal system will continue to safely contain radionuclides for 10,000 years.

This Plan is specific to the New Mexico Hazardous Waste Management Program.

3.0 How to use this Plan

3.1 Elements of the WIPP Community Relations Plan

The Permit identifies six objectives that this Plan is to address:

1. Establish working relationships with communities and interested members of the public.
2. Establish productive government to government relations between the U.S. Department of Energy and affected tribes and pueblos.
3. Inform communities and interested parties of permit activities.
4. Minimize disputes and resolve differences with communities and interested members of the public.
5. Provide timely responses to individual requests for information.
6. Establish mechanisms for communities and interested members of the public to provide feedback and input to the Permittees.

3.2 A Broad Approach to Communicating Permit Activities

The Permittees determined that the most effective way to meet Permit objectives is a uniform approach to communications with individuals, organizations, special interest groups, federal, state and local government entities, tribal governments and tribal members in New Mexico. The Plan makes Permit-related information available to interested New Mexicans through various points of access.

Affected tribal governments and tribal members will be provided information about WIPP Permit-related actions in the same manner as that outlined in this Plan for communities, the general public and interested parties.

3.3 Community Relations Plan Web page

This Web page provides information on current permit activities and public meeting schedules, and includes a link to the WIPP Permit Information Repository where members of the public can access specific documents related to the current Permit and other Permit resources.

To assure public access, the Web page includes instructions for the software required to view documents in the WIPP Permit Information Repository and provides free downloads to public reviewers, as needed.

Documents available in the WIPP Information Repository include:

- WIPP Hazardous Waste Facility Permit renewal application, Parts A and B
- A complete copy of the Permit, as modified by NMED's Hazardous Waste Bureau
- Permit modification notifications and requests associated with the Permit and any associated responses from the NMED
- Waste Minimization Report submitted per Permit Part 2, Section 2.4
- Extensions of time submitted per Permit Part 1, Section 1.10.3

- Corrective action documents submitted per Permit Part 8
- Written reports, such as notifications of planned changes, submitted per the Permit Part 1, Sections 1.7.11 and 1.7.13
- Requests for Temporary Authorizations, Temporary Authorization Responses and Requests to Withdraw a Temporary Authorization
- Notices of Deficiency or disapproval, responses, final approval letters and directives from the NMED associated with renewal permit applications, permit modifications and corrective action documents
- Notices of Violation or administrative compliance orders, and responses to such required by the NMED and directives from the NMED associated with the Permit
- Biennial Reports submitted per Permit Section Part 2, Section 2.14.2
- Administrative Orders and associated responses

3.4 Notifications in major newspapers

Notifications regarding substantive (Class 2 and 3) requests by the Permittees or the NMED to modify the Permit are published in major local newspapers. Included in the notification is a description of the proposed Permit change, dates for a public comment period, contact information at NMED and the WIPP Project, and the time, dates and locations for public meetings.

3.5 Facility mailing list

The facility mailing list consists of individuals, organizations, special interest groups, federal, state and local government entities, affected tribal governments and tribal members who have expressed interest in being notified by mail of WIPP Permit-related actions. By regulation, the NMED maintains the WIPP facility mailing list; the Permittees are responsible for certain mail-outs to subscribers.

The facility mailing list benefits users of the Community Relations Web page and members of the public who do not have computer access. There are a number of opportunities to subscribe to the facility mailing list below. Please include your name, mailing address, phone number and organization, if any, when you subscribe to the list.

- Email the request to communityrelations@wipp.ws and request to be added to the list
- Email the request directly to the New Mexico Environment Department at ricardo.maestas@state.nm.us
- Sign up at WIPP Hazardous Waste Facility Permit public meetings
- Call 1-866-271-9640 and request Bobby St. John, Nuclear Waste Partnership, to forward your name and mailing address to NMED for inclusion on the list.
- Mail a request to subscribe:

Ricardo Maestas
New Mexico Environment
Department
2905 Rodeo Park Drive East
Building 1
Santa Fe. N.M. 87505

OR

Bobby St. John
Nuclear Waste Partnership LLC
P.O. Box 2078
Carlsbad, N.M. 88221

3.6 Email Notification Service

The Permittees also maintain a Permit-related email notification service. Subscribers to this service are assured timely email notification for a specific set of Permit actions. Adding your name to the email notification service is quick and easy. The names of subscribers are kept confidential.

Just click here <http://www.wipp.energy.gov/Stakeholders/Notice.aspx> and follow the directions for sign up.

3.7 Public meetings

Federal and state regulations require hazardous waste facilities to schedule public meetings for proposed Class 2 and 3 Permit Modification Requests. These public meetings provide the Permittees a forum to explain proposed changes to hazardous waste management and for members of the public to ask questions regarding the proposed changes and express their views by submitting written comments. The general public is notified of public meeting schedules in major local newspapers.

Interested members of the public are encouraged to monitor the Community Relations Web page, subscribe to the WIPP facility mailing list and email notification system for public meeting schedules related to Permit modification requests.

Permit Modification Requests can be reviewed in draft stage prior to being submitted to NMED at <http://www.wipp.energy.gov/rcradox/ProposedMods.htm>. The link provides the opportunity to submit comments on draft Permit Modification Requests to the Permittees.

3.8 Community Relations Plan email address

A dedicated Community Relations Plan email address provides the public direct communication to WIPP project staff for inquiries related to the Permit. The email account is monitored by staff members during normal business hours, Monday through Friday, 7:30 a.m. to 4:30 p.m. The Permittees will respond to requests as quickly as possible, within the constraints of applicable regulations such as those involving dissemination of security or personal information.

That email address is communityrelations@wipp.ws.

3.9 Toll-free telephone number

A Community Relations Plan toll free telephone number is a convenient way to contact Permittee staff for Permit-related information or questions. The toll free number will be staffed during normal business hours, Monday through Friday from 7:30 a.m. to 4:30 p.m.

The toll-free number is 1-866-271-9640.

3.10 Public outreach products

To increase public awareness of the Plan, the Community Relations Plan Web page address, toll-free telephone number and dedicated email address will be printed on WIPP Project information products and Permit-related public notifications in major local newspapers.

4.0 Community Relations Plan Goals

4.1 Changes to the Plan

The goal of this Plan is to provide timely information to members of the public about Permit actions and opportunities for participation in the Permit process so that they can make informed decisions about Permit actions.

The Plan is intended to be useful and responsive to public information needs related to the Permit. It is a "living" document which is expected to change throughout the 10~~ten~~ year Permit period to accommodate public and Permittee input as well as new communication technologies.

In May of each year of the current Permit period, the Permittees will solicit comments and suggestions from interested stakeholders through major local newspapers, the facility mailing list and the Web-based Community Relations Plan. Periodic changes may be made to the Plan to enhance functionality and content. Members of the public are encouraged to send comments or suggestions to improve the Plan at any time. Comments may be sent by email using the form in the Comments section of the Plan or to communityrelations@wipp.ws address. Comments also may be sent by mail to Bobby St. John, Nuclear Waste Partnership, P. O. Box 2078, Carlsbad, N.M., 88221.

4.2 Resolving Differences Between the Public and Permittees Regarding the Community Relations Plan

The Permittees will give careful consideration to public comments and suggestions, and work in consultation with communities and with interested members of the public to avoid disputes and to resolve differences regarding the Community Relations Plan.

The Permittees will address comments that require a response and provide the response to the community or individual who originated it. Responses specific to this Plan will be posted to the Community Relations Plan Web page, with the consent of the parties involved.

5.0 Resources

The Permittees will provide the resources necessary to maintain the Plan for as long as the Plan is a requirement of the Permit.

6.0 Records Management

Consistent with Permit requirements, the Permittees will document all Permit-related consultations, communications, agreements and disagreements between the Permittees and members of the public related to the development and administration of the Plan.

These communications and responses will become part of the WIPP facility operating record and will be posted annually to the Plan Web page, with the express consent of the commenting individual or group.

Thank you for your interest in the WIPP Hazardous Waste Facility Permit

The Waste Isolation Pilot Plant Hazardous Waste Facility Permit Community Relations Plan is Currently Being Updated

The U.S. Department of Energy Carlsbad Field Office and Nuclear Waste Partnership LLC (the Permittees) are seeking public comments to improve the Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit Community Relations Plan (the Plan). The purpose of the Plan is to provide Permit-related information to communities and interested members of the public and to alert them to opportunities to participate in the Permit process.

The Permittees propose changes to the following sections of the Plan:

- **Section 1.1** deleted the word “ten” and changed to 10
- **Section 2.0** deleted sentence: “The DOE and NWP are co-Permittees on the Permit.”
- **Section 2.1** deleted “the facility”, replaced with “purposes”
Added sentence: “The formation, which has existed for more than 250 million years, also demonstrates the absence of water.”
- **Section 2.2** added words “consists mostly of” and added an “s” to material
Added sentence: “TRU mixed waste contains both radioactive and hazardous waste components.”
Deleted sentences: “Some TRU waste contains non-radioactive chemicals such as solvents which are classified as hazardous waste under federal and state law”, and “The Permit is required to manage and dispose of these TRU “mixed” wastes.”
Deleted the word “ten” and changed to 10
- **Section 3.2** changed word “universal” to “uniform”
- **Section 3.3** added “Requests for Temporary Authorizations, Temporary Authorization Responses and Requests to Withdraw Temporary Authorization” and “Administrative Orders and associated responses”
- **Section 3.5** added words “and mailing address”
- **Section 4.1** deleted the word “ten” and changed to 10

- The linked attachment to the Community Relation Plan home page has been updated to provide status on the NMED Administrative Orders. The attachment “WIPP Facility Operates to Administrative Orders Issued by the New Mexico Environment Department” is included in this mailing.

Proposed changes to the Plan are identified by red text with a double underline for new text and a strikethrough font for deleted information. The Plan and proposed changes can be read in its entirety online at:

<http://www.wipp.energy.gov/WIPPCommunityRelations/index.html>.

We encourage members of the public to submit comments or suggestions by Wednesday, **June 26, 2017**. Comments may be submitted by:

- E-mail to Communityrelations@wipp.ws
- Accessing <http://www.wipp.energy.gov/WIPPCommunityRelations/index.html> online. Clicking on the Comments tab, typing in your comments and submitting them.
- Calling the toll-free number at 1-866-271-9640 to speak directly to WIPP staff
- Mailing your comments to Bobby St. John, Nuclear Waste Partnership LLC, P.O. Box 2078, Carlsbad, N.M., 88221

The Permittees are required to post comments, consultations, communications, agreements and disagreements between the Permittees and members of the public on the Community Relations Plan Web page “Comments” section. Comments and suggestions will only be posted with the express consent of the contributor.

You have received this correspondence because your name is listed on the WIPP Facility Mailing List. If you would like a copy of the WIPP Hazardous Waste Facility Permit Community Relations Plan or do not wish to receive further Permit-related correspondence, please contact:

Bobby St. John
Nuclear Waste Partnership
P. O. Box 2078
Carlsbad , NM 88221

or

Ricardo Maestas
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505