

April 3, 2018



Mr. Ricardo Maestas
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
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Ricardo.maestas@state.nm.us

RE: WIPP "Volume Reduction" PMR

Dear Mr. Maestas:

The undersigned groups, representing thousands of New Mexicans, strongly oppose the "Volume Reduction" Permit Modification Request (PMR) that the Waste Isolation Pilot Plant (WIPP) permittees submitted to the New Mexico Environment Department (NMED) on January 31, 2018.

While there are many problems with the request, there are two overriding reasons that NMED must either deny the request or determine to follow class 3 modification procedures, so that additional public comment is allowed and a public hearing would be held on a draft permit.

First, the permittees – U.S. Department of Energy (DOE) and Nuclear Waste Partnership – were told by numerous organizations before submitting the request, that the very substantial changes in the WIPP Permit are strongly opposed and there is significant public concern. By regulatory definition, such a request is a Class 3 modification. Nonetheless, the permittees submitted the request as a Class 2 modification. State regulations 20.4.1.900 NMAC (incorporating 40 CFR §270.42(b)(6)(i)(B) and (C)) provide that the NMED must deny the request or determine that the procedures for Class 3 modifications apply. Thus, NMED must take one of those two actions.

Second, the request seeks to very significantly change the way the volume of waste at WIPP is measured in order to substantially increase the facility's capacity. Since before WIPP opened in 1999, the waste volume is measured by the size of the outer container. That measurement has always been included in the WIPP Permit, and it is that way that DOE has reported to Congress how much waste is disposed at WIPP. The proposed new measurement of the volume of waste inside a container results in "reducing" the amount of waste in WIPP by more than 930,000 cubic feet. The effect would be to immediately increase WIPP's capacity by that amount. Such an expansion of WIPP's capacity is a clear attempt to circumvent the WIPP Land Withdrawal Act capacity limit of 6,200,000 cubic feet. Section 7(a)(3). Such a major change is unacceptable, apparently contrary to law, and the PMR should be denied.

We ask you to deny the request or determine to consider it under Class 3 modification procedures.

Sincerely,

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