



April 3, 2018

Mr. Ricardo Maestas
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive E, Building 1
Santa Fe, New Mexico 87505

By email to: ricardo.maestas@state.nm.us

Re: Public Comments about Proposed WIPP Expansion – “Volume Reporting” Permit
Modification Request - Changing the way waste is measured

Deny this permit request or require the entire Class 3 permit modification procedure

Dear Mr. Maestas:

I am concerned about the proposed massive expansion of the amount of waste allowed in the Waste Isolation Pilot Plant (WIPP) – a more than 25% increase – all by changing the way waste is measured. This is a sleazy way to increase waste volume that is not currently allowed in the permit.

WIPP has squandered the volume it was allowed through poor working procedures. But this is nothing new as WIPP has had for years, and continues to have, unbelievably poor work and safety records. They should not be rewarded for such poor behavior—especially since the site is still not safe. (Having the CEO at WIPP state that "Safety [at WIPP] is a journey," is an outright admission that WIPP is not currently safe.) A volume increase on this level also breaks promises made to the people of New Mexico when the WIPP project was begun. For these reasons alone the permit modification request must be denied.

If this were not enough, the huge size of the volume requested requires that the modification request, in its current form, be denied. This is a **significant** change in volume and NMED must be sure that the request follows all Class 3 permit modification procedures, and nothing less.

Finally, the project and the public process are being carried out in a discriminatory manner. There appears to be nothing said about non-discrimination, social concerns, environmental justice, or the disparate impacts of effects from normal operations and accidents on the large number of people of color and poor people in the surrounding area and along transportation routes.

Do the non-English speaking residents in the area and throughout our state have the same access to information about this modification as English speakers so they can participate



equally in this process? I don't think so. NMED is still not proceeding in an equal way on WIPP. In fact, NMED has *always* discriminated in the permitting process for WIPP, starting out by illegally refusing to address environmental justice issues at the original permit hearing. It seems that NMED's attitude has not improved all these years later.

I believe there will be negative effects from this increase in volume that will be felt disparately by communities of color around the site as well as throughout the state along the transportation routes. These are the same communities that are also not allowed equal access to information that English proficient people have. Because the risk is spread throughout the state, access to information must be available to *all* New Mexicans in whatever language they need.

In addition to the previous reasons for denying the modification, the application for modification is incomplete. Where have they analyzed risks from the increased volume both around the site and the risks from related transportation? We know that the transportation phase is already responsible for almost all of the negative health effects to the public from the entire project during normal operations. Since most of those health effects occur to the people working at rest stops along the highways and since most or many of those people are poor people of color, there is very likely a disparate and discriminatory impact on these members of the public from transportation. So where are these disparate impacts analyzed?

Exposure information is required by 40 C.F.R. §270.10j and adopted in New Mexico by N.M. Admin. Code 20.4.1.900, including information about potential releases from normal operations, accidental releases, or transportation-related releases; all potential pathways of human exposure. This also includes exposure information from things like truck emissions. The increase in such emissions (from the additional shipments for the increased volume) have been shown in other cases to cause disparate impacts. Where are the analyses of all of this? And where are the translations of these analyses along with other necessary translations of vital documents for the non-English speaking public?

Thank you for your careful consideration of my comments. Please use your regulatory power to deny the request or require the full Class 3 permit modification procedure with risk, impact and disparate impact analyses, appropriate translation of documents, and the opportunity for public comment and a public hearing.

Sincerely,
Deborah Reade
117 Duran Street
Santa Fe NM 87501
505-986-9284
reade@nets.com