



Ricardo Maestas, WIPP Project Manager
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Regarding comments on Draft WIPP Permit Issued August 6, 2018

Dear Mr. Maestas,

It is the duty of the Hazardous Waste Bureau of the New Mexico Environment Department is to ensure the Department Of Energy and its contractors operate WIPP safely through a prescribed process, issued by a specific permit, with requirements and restrictions that NMED has determined will protect human health and the environment. Your Bureau has successfully regulated WIPP operations for more than 18 years.

In your consideration of the proposed clarification in the draft permit, please note that it does not change any operational aspect of the permittees' regulatory requirements. There are no changes to processes of waste receipt, unloading, handling, emplacement, or closure. There are no changes to quality assurance, training, calibration, monitoring, safety measures, or access. The only thing this permit modification seeks to change is record keeping. Your Bureau has shown WIPP operations to be protective of human health and the environment for 18 years. We cannot see how changing a record keeping practice can have any effect on the facility's safe operation.

This permit modification does not meet the requirements for a Class 3 change process. NMED should not have elevated the permittees January 31, 2018 Class 2 request to Class 3. But now that the process must follow through, it would be even more inappropriate to conduct a public hearing, which will drag on for months and cost millions of dollars. NMED may believe a public hearing would lessen the challenge of litigation once a new permit is approved. However, history has shown WIPP critics will mount legal challenges of any defeat, regardless of whether a public hearing was held as part of the permit modification process or not. The proposed change is so simple and obvious, that NMED should approve the draft permit as written, and forego a public hearing. In an over-abundance of caution, if NMED elects to grant WIPP's interveners a public hearing, we feel the only place to hold such a hearing is Carlsbad.

Thank you for your time and consideration on this vital issue,

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