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Cc: [Hower, Jennifer, NMENV](#); [Kieling, John, NMENV](#); [McLean, Megan, NMENV](#); [Biswell, David, NMENV](#); [Tellez, Hernesto, NMENV](#)
Subject: Re: Meeting to Resolve Issues Concerning Draft Permit for WIPP Class 3 Permit Modification
Date: Friday, September 21, 2018 8:46:43 AM

Good morning Mr. Maestas,

Thank you for your message.

Although the New Mexico Environmental Law Center signed on to the comment requesting a public hearing, none of our attorneys has the time to participate in the meeting that you are arranging. We therefore hereby delegate our voice in the meeting to Don Hancock of the Southwest Research and Information Center.

Douglas Meiklejohn
Executive Director
NM Environmental Law Center

On 9/20/2018 8:00 PM, Maestas, Ricardo, NMENV wrote:

Hello everyone,

The New Mexico Environment Department (NMED) Hazardous Waste Bureau will be moderating negotiations concerning the draft Permit for the permit modification, *Clarification of TRU Mixed Waste Disposal Volume Reporting* to Waste Isolation Pilot Plant Hazardous Waste Facility Permit. NMED has received requests for public hearing on this matter.

The Hazardous Waste Management Regulations at 20.4.1.901.A(4) NMAC states: "If the secretary issues a draft permit, and a timely written notice of opposition to the draft permit and a request for a public hearing is received, the department, acting in conjunction with the applicant, will respond to the request in an attempt to resolve the issues giving rise to the opposition. If such issues are resolved to the satisfaction of the opponent, the opponent may withdraw the request for a public hearing."

This email is an invitation to meet with the Hazardous Waste Bureau and the applicant to attempt to resolve some or all of the issues raised in the comments received by commenters who requested a public hearing.

You are receiving this e-mail since you or your organization submitted a timely written notice of opposition to the draft permit and a request for hearing on the subject draft Permit.

All of the *timely* public comments received for the draft Permit *Class 3 Clarification of TRU Mixed Waste Disposal Volume Reporting* are posted at the following link on the NMED website:
<https://www.env.nm.gov/wp-content/uploads/2016/05/All-On-time-Public-Comments-Received->

180924



[Class-3-VOR-09-20-2018.pdf](#)

The scope of the negotiations will be limited to the draft Permit dated August 6, 2018, the Class 2 Permit Modification Request dated January 31, 2018 and the associated Technical Incompleteness Determination response dated July 12, 2018, all part of the Class 3 modification process. Although there may be general comments discussed concerning the draft Permit, any topic outside the scope of these areas will not be discussed during discussions. The negotiations are a chance for each participant to discuss their submitted public comments with NMED and the Permittees in order to attempt to resolve the issues raised.

As in similar discussions held previously, any attorneys present are to be observers only and not directly involved in the discussions.

Logistics

Date: September 24, 2018 to September 26, 2018

Time: 1:00pm to 5:00pm (first day), 8:30am to 5:00pm (days 2 and 3)

Location: Santa Fe County Fair Building

Address: 3229 Rodeo Rd, Santa Fe, NM 87505-6303

The participants may include the following attendees below:

- **NMED:** Ricardo Maestas, Hernesto Tellez, David Biswell, Megan McLean, and John Kieling (Attorney- Jennifer Hower)
- **WIPP Permittees:** George Basabilvazo, Mike Brown, Anthony Stone Rick Chavez, Bob Kehrman, Mike Walentine, Ashley Urquidez, Karen Day, Ashley Waldram, and Mark Turnbough (Attorneys- Myles Hall, Dennis Cook, Mike Woodward)
- **Southwest Research and Information Center:** Don Hancock
- **Nuclear Watch New Mexico:** Scott Kovac
- **Concerned Citizens for Nuclear Safety:** Joni Arends
- **Citizens for Alternatives to Radioactive Dumping:** Janet Greenwald
- **Stop the War Machine:** Bob Anderson
- **Citizen Action New Mexico:** Dave McCoy
- **Alliance for Environmental Strategies:** Noel Marquez and Rose Gardner
- **Las Vegas Peace and Justice Center:** Pat Leahan
- **New Mexico Environmental Law Center:** Douglas Meiklejohn
- **Amigos Bravos:** Rachel Conn
- **Invisible Nob Hill:** Rayellen Smith
- **Conservation Voter New Mexico:** Ben Shelton
- **Multicultural Alliance for a Safe Environment:** Susan Gordon
- **Tularosa Basin Downwinders Consortium:** Tina Cordova
- **ABQ Religious Society of Friends (Quakers):** Tina Kachele
- **Concerned Citizens of Cerrillos:** Ross Lockridge
- **ABQ Center for Peace and Justice:** Susan Schuurman
- **Rio Grande Chapter of the Sierra Club:** John Buchser
- Deborah Reade
- Steve Zappe

Please inform me if legal counsel will be present on your behalf and of any special accommodations

needed as soon as possible.

Please note that, per previous inquiries, the Administrative Record for this proceeding will not be amended to include individual documents cited in public comments or documents from prior permit proceedings. This does not mean that documents cited in public comments will not be considered when public comments are reviewed. If there are any documents you would like to introduce for the public hearing, you are welcome to do so, but you must follow the participation procedures in accordance with 20.1.4.300 NMAC.

NMED has amended the Administrative Record to provide an index of the public comments received during the Permittee's initial February 2 to April 3, 2018 public comment period.

If you are unable to participate in person, arrangements can be made to provide a conference number for your participation. Please let me know if this is the case as soon as possible.

Please feel free to email or call me if you have any questions.

Respectfully,

Ricardo Maestas
NMED WIPP Staff Manager
Hazardous Waste Bureau
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