



**From:** [Maestas, Ricardo, NMENV](#)  
**To:** [McLean, Megan, NMENV](#); [Biswell, David, NMENV](#); [Tellez, Hernesto, NMENV](#)  
**Subject:** FW: Re: Meeting to Resolve Issues Concerning Draft Permit for WIPP Class 3 Permit Modification  
**Date:** Monday, September 24, 2018 9:20:09 AM

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Fyi..

**From:** coordinator, nd, NMENV  
**Sent:** Monday, September 24, 2018 9:07 AM  
**To:** Joni Arends <[jarends@nuclearactive.org](mailto:jarends@nuclearactive.org)>  
**Cc:** Maestas, Ricardo, NMENV <[Ricardo.Maestas@state.nm.us](mailto:Ricardo.Maestas@state.nm.us)>; Wright, Donna, NMENV <[Donna.Wright@state.nm.us](mailto:Donna.Wright@state.nm.us)>; Kieling, John, NMENV <[john.kieling@state.nm.us](mailto:john.kieling@state.nm.us)>  
**Subject:** Re: Re: Meeting to Resolve Issues Concerning Draft Permit for WIPP Class 3 Permit Modification

Ms. Arends,

Good morning. Thank you for forwarding your email, as I did not see my address in the list of recipients in the email below. For your convenience, the email address is [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us)

We are already planning to provide a public address (PA) system for the hearing today, which includes microphones, amplifiers, loudspeakers, and related equipment. I will be working with Ricardo Maestas, Ms. Wright and the Office of General Counsel to accommodate your request which was received late last night (9:10 pm).

We would also greatly appreciate that for next time, we are given a little more than 24 hours notice so that we can better provide you with assistance.

Thank you,

Kris

Kristine L. Pintado, Senior Environmental Scientist

ND Coordinator

New Mexico Environment Department

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**From:** Joni Arends <[jarends@nuclearactive.org](mailto:jarends@nuclearactive.org)>  
**Sent:** Sunday, September 23, 2018 9:31 PM  
**To:** coordinator, nd, NMENV; Maestas, Ricardo, NMENV  
**Subject:** Fwd: Re: Meeting to Resolve Issues Concerning Draft Permit for WIPP Class 3 Permit Modification

180932



Good evening,

The email address for the NMED Non-Discrimination Coordinator provided in the September 22, 2018 Public Hearing Notice 18-07 (WIPP HWP) - [NMED.NDC@state.nm.us](mailto:NMED.NDC@state.nm.us) - bounced. I found this address at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> I hope it goes through.

Joni Arends

Concerned Citizens for Nuclear Safety

----- Forwarded Message -----

**Subject:**Re: Meeting to Resolve Issues Concerning Draft Permit for WIPP Class 3 Permit Modification

**Date:**Sun, 23 Sep 2018 21:10:47 -0600

**From:**Joni Arends <[jarends@nuclearactive.org](mailto:jarends@nuclearactive.org)>

**To:**Maestas, Ricardo, NMENV <[Ricardo.Maestas@state.nm.us](mailto:Ricardo.Maestas@state.nm.us)>, [scott@nukewatch.org](mailto:scott@nukewatch.org) <[scott@nukewatch.org](mailto:scott@nukewatch.org)>, [contactus@cardnm.org](mailto:contactus@cardnm.org) <[contactus@cardnm.org](mailto:contactus@cardnm.org)>, [sricdon@earthlink.net](mailto:sricdon@earthlink.net) <[sricdon@earthlink.net](mailto:sricdon@earthlink.net)>, [citizen@comcast.net](mailto:citizen@comcast.net) <[citizen@comcast.net](mailto:citizen@comcast.net)>, [dave@radfreenm.org](mailto:dave@radfreenm.org) <[dave@radfreenm.org](mailto:dave@radfreenm.org)>, [marquezarts@yahoo.com](mailto:marquezarts@yahoo.com) <[marquezarts@yahoo.com](mailto:marquezarts@yahoo.com)>, [nmlady2000@icloud.com](mailto:nmlady2000@icloud.com) <[nmlady2000@icloud.com](mailto:nmlady2000@icloud.com)>, [lvpeacecenter@startmail.com](mailto:lvpeacecenter@startmail.com) <[lvpeacecenter@startmail.com](mailto:lvpeacecenter@startmail.com)>, Meiklejohn, Doug <[dmeiklejohn@nmelc.org](mailto:dmeiklejohn@nmelc.org)>, [rconn@amigosbravos.org](mailto:rconn@amigosbravos.org) <[rconn@amigosbravos.org](mailto:rconn@amigosbravos.org)>, [indivisiblemohill@gmail.com](mailto:indivisiblemohill@gmail.com) <[indivisiblemohill@gmail.com](mailto:indivisiblemohill@gmail.com)>, [ben@cvnm.org](mailto:ben@cvnm.org) <[ben@cvnm.org](mailto:ben@cvnm.org)>, [sgordon@swuraniumimpacts.org](mailto:sgordon@swuraniumimpacts.org) <[sgordon@swuraniumimpacts.org](mailto:sgordon@swuraniumimpacts.org)>, [tcordova@queston.net](mailto:tcordova@queston.net) <[tcordova@queston.net](mailto:tcordova@queston.net)>, [tkachele17@gmail.com](mailto:tkachele17@gmail.com) <[tkachele17@gmail.com](mailto:tkachele17@gmail.com)>, [murlock@raintreecounty.com](mailto:murlock@raintreecounty.com) <[murlock@raintreecounty.com](mailto:murlock@raintreecounty.com)>, [abqpeaceandjusticecenter@gmail.com](mailto:abqpeaceandjusticecenter@gmail.com) <[abqpeaceandjusticecenter@gmail.com](mailto:abqpeaceandjusticecenter@gmail.com)>, [jbuchser@comcast.net](mailto:jbuchser@comcast.net) <[jbuchser@comcast.net](mailto:jbuchser@comcast.net)>, [steve\\_zappe@mac.com](mailto:steve_zappe@mac.com) <[steve\\_zappe@mac.com](mailto:steve_zappe@mac.com)>, [reade@nets.com](mailto:reade@nets.com) <[reade@nets.com](mailto:reade@nets.com)>, Basabilvazo, George - FedNet <[george.basabilvazo@cbfo.doe.gov](mailto:george.basabilvazo@cbfo.doe.gov)>, Mike Brown (mike.brown@cbfo.doe.gov) <[mike.brown@cbfo.doe.gov](mailto:mike.brown@cbfo.doe.gov)>, Stone, Anthony - FedNet <[anthony.stone@cbfo.doe.gov](mailto:anthony.stone@cbfo.doe.gov)>, Chavez, Rick - RES ([Rick.Chavez@wipp.ws](mailto:Rick.Chavez@wipp.ws)) <[Rick.Chavez@wipp.ws](mailto:Rick.Chavez@wipp.ws)>, Kehrman, Bob <[rfrkehrman@plateautel.net](mailto:rfrkehrman@plateautel.net)>, Urquidez, Ashley - RES <[Ashley.Urquidez@wipp.ws](mailto:Ashley.Urquidez@wipp.ws)>, Day, Karen - RES <[Karen.Day@wipp.ws](mailto:Karen.Day@wipp.ws)>, [Ashley.Waldram@wipp.ws](mailto:Ashley.Waldram@wipp.ws) <[Ashley.Waldram@wipp.ws](mailto:Ashley.Waldram@wipp.ws)>, [turnboughmark@sbcglobal.net](mailto:turnboughmark@sbcglobal.net) <[turnboughmark@sbcglobal.net](mailto:turnboughmark@sbcglobal.net)>, Cook, Dennis - NWP ([dennis.cook@wipp.ws](mailto:dennis.cook@wipp.ws)) <[dennis.cook@wipp.ws](mailto:dennis.cook@wipp.ws)>

**CC:**Hower, Jennifer, NMENV <[Jennifer.Hower@state.nm.us](mailto:Jennifer.Hower@state.nm.us)>, Kieling, John, NMENV <[john.kieling@state.nm.us](mailto:john.kieling@state.nm.us)>, McLean, Megan, NMENV <[Megan.McLean@state.nm.us](mailto:Megan.McLean@state.nm.us)>, Biswell, David, NMENV <[David.Biswell@state.nm.us](mailto:David.Biswell@state.nm.us)>, Tellez, Hernesto, NMENV <[Hernesto.Tellez@state.nm.us](mailto:Hernesto.Tellez@state.nm.us)>, [NMED.NDC@state.nm.us](mailto:NMED.NDC@state.nm.us), "[donna.wright](mailto:donna.wright@state.nm.us)" <[donna.wright@state.nm.us](mailto:donna.wright@state.nm.us)>

Good evening Ms. Wright and Ms. Pintado:

My name is Joni Arends, and I am a co-founder and executive director of Concerned Citizens for Nuclear Safety (CCNS), a Santa Fe-based non-governmental organization that formed in 1988 to address community concerns about the proposed transportation of radioactive and hazardous waste from Los Alamos National Laboratory (LANL) to the unopened Waste Isolation Pilot Plant (WIPP). For the past thirty years, CCNS has participated in state and federal regulatory processes concerning WIPP.

We are now concerned about the negotiations that will begin tomorrow, Monday, September 24, 2018, beginning at 1 pm, at the Santa Fe County Fair Building. As a person with a hearing disability, I am concerned about the use of the very large metal building for the negotiations. My experience in that building, while serving as an election protector, is that voices echo and it is difficult to hear and understand what people are saying.

I am writing to you, Ms. Wright, to ask for your assistance and/or auxiliary aid to participate in this process. I am contacting you no less than 10 days prior to the end of the public comment period.

I am writing to you, Ms. Pintado, about possible discrimination by the New Mexico Environment Department because of my disability. I am concerned that I will not be able to fully participate in the negotiations at the Santa Fe County Fair Building as described below. If I am able to participate, I want to be sure that I can clearly hear what is being said, be heard, and be understood.

I look forward to your responses.

Sincerely,

Joni Arends

On 9/21/18 9:14 AM, Joni Arends wrote:

Good morning, Ricardo and All,

I have some questions about logistics. The Santa Fe County Fair Building is very large, it echos, and it is difficult to hear. Will we be meeting in the large building, or in a smaller room? If the meetings are held in the large building, we're going to need microphones.

I also have concerns about restrictions described below. I will address those later.

Best,  
Joni

On 9/20/18 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-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  
2905 Rodeo Park Dr., Bldg 1  
Santa Fe, New Mexico 87505  
[Ricardo.Maestas@state.nm.us](mailto:Ricardo.Maestas@state.nm.us)  
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