



From: [Joni Arends](#)
To: [Maestas, Ricardo, NMENV](#); [scott@nukewatch.org](#); [contactus@cardnm.org](#); [sricdon@earthlink.net](#); [citizen@comcast.net](#); [dave@radfreenm.org](#); [marquezarts@yahoo.com](#); [nmlady2000@icloud.com](#); [lvpeacecenter@startmail.com](#); [Meiklejohn, Doug](#); [rconn@amigosbravos.org](#); [indivisiblenobhill@gmail.com](#); [ben@cvm.org](#); [sgordon@swuraniumimpacts.org](#); [tcordova@queston.net](#); [tkachele17@gmail.com](#); [murlock@raintreecounty.com](#); [abqpeaceandjusticecenter@gmail.com](#); [jbuchser@comcast.net](#); [steve_zappe@mac.com](#); [reade@nets.com](#); [Basabilvazo, George - FedNet](#); [Mike Brown \(mike.brown@cbfo.doe.gov\)](#); [Stone, Anthony - FedNet](#); [Chavez, Rick - RES \(Rick.Chavez@wipp.ws\)](#); [Kehrman, Bob](#); [Urquidez, Ashley - RES](#); [Day, Karen - RES](#); [Ashley.Waldram@wipp.ws](#); [turnboughmark@sbcglobal.net](#); [Cook, Dennis - NWP \(dennis.cook@wipp.ws\)](#); [joan m brown](#); [Marlene Perrotte](#)
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: Monday, September 24, 2018 10:01:14 PM

Rick,

A quick reminder - please provide the RCRA guidance about how packaging inside of a container remains packaging as its intended purpose - and not waste. Thank you.

Joni

On 9/24/18 6:29 PM, Maestas, Ricardo, NMENV wrote:

Hello all,

This is a notification to you that tomorrow's meeting will start at **8:00am** and not at 8:30am as indicated in the original email below. The meeting location will remain the same.

Thank you.

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
505-476-6050

From: Maestas, Ricardo, NMENV

Sent: Thursday, September 20, 2018 7:55 PM

To: [jarends@nuclearactive.org](#); [scott@nukewatch.org](#); [contactus@cardnm.org](#); [sricdon@earthlink.net](#); [citizen@comcast.net](#); [dave@radfreenm.org](#); [marquezarts@yahoo.com](#); [nmlady2000@icloud.com](#); [lvpeacecenter@startmail.com](#); [Meiklejohn, Doug <dmeiklejohn@nmelc.org>](#); [rconn@amigosbravos.org](#); [indivisiblenobhill@gmail.com](#); [ben@cvm.org](#); [sgordon@swuraniumimpacts.org](#); [tcordova@queston.net](#); [tkachele17@gmail.com](#); [murlock@raintreecounty.com](#); [abqpeaceandjusticecenter@gmail.com](#); [jbuchser@comcast.net](#); [steve_zappe@mac.com](#); [reade@nets.com](#); [Basabilvazo, George - FedNet <george.basabilvazo@cbfo.doe.gov>](#); [Mike Brown \(mike.brown@cbfo.doe.gov\) <mike.brown@cbfo.doe.gov>](#); [Stone, Anthony - FedNet](#)

180934



<anthony.stone@cbfo.doe.gov>; Chavez, Rick - RES (Rick.Chavez@wipp.ws)
<Rick.Chavez@wipp.ws>; Kehrman, Bob <rfkehrman@plateautel.net>; Urquidez,
Ashley - RES <Ashley.Urquidez@wipp.ws>; Day, Karen - RES <Karen.Day@wipp.ws>;
Ashley.Waldram@wipp.ws; turnboughmark@sbcglobal.net; Cook, Dennis - NWP
(dennis.cook@wipp.ws) <dennis.cook@wipp.ws>
Cc: Hower, Jennifer, NMENV <Jennifer.Hower@state.nm.us>; Kieling, John, NMENV
<john.kieling@state.nm.us>; Maestas, Ricardo, NMENV
<Ricardo.Maestas@state.nm.us>; McLean, Megan, NMENV
<Megan.McLean@state.nm.us>; Biswell, David, NMENV <David.Biswell@state.nm.us>;
Tellez, Hernesto, NMENV <Hernesto.Tellez@state.nm.us>

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

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 Valentine, 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
505-476-6050

--

Joni Arends, Executive Director
Concerned Citizens for Nuclear Safety
P. O. Box 31147
Santa Fe, NM 87594-1147
505 986-1973
www.nuclearactive.org

From: [Maestas, Ricardo, NMENV](#)
To: [Kieling, John, NMENV](#)
Cc: [McLean, Megan, NMENV](#); [Tellez, Hernesto, NMENV](#); [Biswell, David, NMENV](#)
Subject: FW: Followup Questions
Date: Monday, September 24, 2018 8:57:07 AM

Fyi..

From: Maestas, Ricardo, NMENV
Sent: Monday, September 24, 2018 8:57 AM
To: 'Kyle Marksteiner' <kmarksteiner@cityofcarlsbadnm.com>
Cc: Maestas, Ricardo, NMENV (Ricardo.Maestas@state.nm.us) <Ricardo.Maestas@state.nm.us>
Subject: RE: Followup Questions

Public comments received during the 45-day comment period will be considered as part of this Class 3 process and do not need to be resubmitted.

Anyone intending on providing testimony or oral during the hearing need to follow the guidelines found on the Public Hearing Notice found at: <https://www.env.nm.gov/wp-content/uploads/2016/05/FINAL-WIPP-Hearing-Notice-VOR-English.pdf>

Which includes the following:

B. TECHNICAL TESTIMONY AND ORAL PUBLIC COMMENTS

At the public hearing, the Department will accept technical testimony and non-technical oral comments. The Hearing Officer may set reasonable limits on the time allowed for technical testimony and oral comments. Technical testimony and oral comments on the draft Permit shall be accepted at the public hearing, in accordance with Department regulations as set forth below:

1. **Technical Written Statements and Oral Testimony:** Any person who intends to provide a technical written statement or technical oral testimony concerning the draft Permit, Application or Petition shall file a Statement of Intent to Present Technical Testimony on or before **October 9, 2018** with the Hearing Clerk at the address provided above.

3. **Oral Public Comments; Non-Technical Testimony:** Any person may provide oral public comment or non-technical testimony concerning the draft Permit at the hearing. Public comment periods will be held at 5:00 PM on each day of the hearing. The Hearing Officer may allow public comment at other times if it is requested based upon necessity.

Thank you.
Ricardo

From: Kyle Marksteiner <kmarksteiner@cityofcarlsbadnm.com>
Sent: Monday, September 24, 2018 8:50 AM

To: Maestas, Ricardo, NMENV <Ricardo.Maestas@state.nm.us>

Subject: Re: Followup Questions

thank you. Would you be able to answer the question about hearing submissions now? Does the clock "reset" - and would we have to resend?

On Mon, Sep 24, 2018 at 8:49 AM Maestas, Ricardo, NMENV <Ricardo.Maestas@state.nm.us> wrote:

Hello Mr. Marksteiner,

Thank you for your email.

I am working to get you the information to your question but your email does help.

I will get you an answer as soon as I can but will likely be around the end of the week.

Thanks again.

Ricardo

From: Kyle Marksteiner <kmarksteiner@cityofcarlsbadnm.com>

Sent: Monday, September 24, 2018 8:40 AM

To: Maestas, Ricardo, NMENV <Ricardo.Maestas@state.nm.us>

Subject: Followup Questions

Mr. Maestas: You were going to get with me regarding what a new governor would be able to do/not do regarding this hearing process (Volume of Record). Specifically, could a new governor replace a hearing officer?

Additionally, we had a few followup questions.

1. Will previous submissions be considered during this hearing process, or do we need to resubmit?
2. Do all technical submissions need to be in by the 9th?

thanks

Kyle

--

Kyle Marksteiner

City of Carlsbad - Public Relations Coordinator

(575) 706-2324

--

Kyle Marksteiner

City of Carlsbad - Public Relations Coordinator