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ENTERED



**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF THE HAZARDOUS WASTE
BUREAU CLASS 3 CLARIFICATION
OF TRU MIXED WASTE DISPOSAL
VOLUME REPORTING PERMIT
MODIFICATION TO THE WIPP HAZARDOUS
WASTE FACILITY PERMIT**

No. HWB 18-19 (P)

**HAZARDOUS WASTE BUREAU'S
COMMENT TO HEARING OFFICER'S REPORT**

Pursuant to 20.1.4.500.C(2) NMAC, the Hazardous Waste Bureau ("Bureau") of the New Mexico Environment Department ("NMED") hereby submits the following written Comment to the Hearing Officer's Report ("Report").

COMMENT

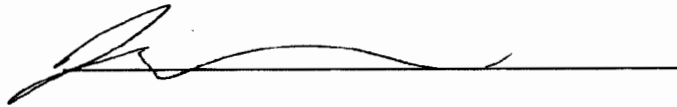
As found in both written and oral testimony, as well as the Report's Conclusions of Law, the August 6, 2018 draft Permit, including the agreed upon language for the definition of "Shielded Container," meets the regulatory requirements of the Hazardous Waste Act and the Hazardous Waste Management Regulations. While the Report discusses the "Shielded Container" language that was agreed upon by the parties in paragraphs 59, 60, 83, 164, and 182, as well as paragraph 3 of the Conclusions of Law, the language is not then specifically recommended for approval in the Hearing Officer's Conclusion, which was likely an inadvertent oversight.

CONCLUSION



The Hazardous Waste Bureau respectfully requests that the Report's Conclusion be revised to recommend approval of the draft Permit, as issued on August 6, 2018, along with the agreed upon changes related to shielded containers, for the reasons stated within the Report.

Respectfully submitted,
HAZARDOUS WASTE BUREAU
RESOURCE PROTECTION DIVISION
NEW MEXICO ENVIRONMENT DEPARTMENT



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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2018 a copy of the foregoing Comment was sent via electronic mail to the following parties of record:

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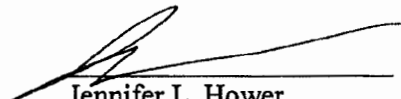
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