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NEW MEXICO  
ENVIRONMENT DEPARTMENT

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BUTCH TONGATE  
Cabinet Secretary  
BRUCE YURDIN  
Acting Deputy Secretary

December 21, 2018

**RE: FINAL ACTION AND RESPONSE TO COMMENTS  
CLASS 3 PERMIT MODIFICATION  
WASTE ISOLATION PILOT PLANT  
EPA I.D. NUMBER NM4890139088**

Dear Interested Person:

On December 21, 2018, the Secretary of the New Mexico Environment Department (“NMED”) took final administrative action on a Class 3 Permit Modification Request to the Waste Isolation Pilot Plant (“WIPP”) Hazardous Waste Facility Permit (“Permit”). The Department of Energy and Nuclear Waste Partnership, LLC, submitted a Class 2 modification on January 31, 2018 entitled “Clarification of TRU Mixed Waste Disposal Volume Reporting”. The Class 2 modification was elevated to a Class 3 modification by NMED on June 1, 2018.

The Class 3 modification was processed in accordance with the requirements specified in 20.4.1.900 NMAC (incorporating 40 CFR §270.42(c)). On August 6, 2018, NMED issued a draft Permit based on the Class 2 modification, public comments, and additional information requested by NMED. A 45-day public comment period took place between August 6<sup>th</sup> and September 20<sup>th</sup>, 2018. NMED received comments from several individuals and organizations during the public comment period. Due to opposition to the draft Permit and several requests for a hearing, on September 22, 2018, NMED issued a notice announcing a public hearing to commence on October 23, 2018. NMED has approved the Class 3 modification with changes.

Further information on this administrative action, including NMED's response to comments and the final Permit, may be found on the NMED WIPP information webpage at:  
<https://www.env.nm.gov/hazardouswaste/wipp/>.

Sincerely,

Ricardo Maestas  
WIPP Staff Manager  
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