December 24, 2019

Ricardo Maestas
New Mexico Environment Department (NMED)
2095 Rodeo Park Drive, Building 1
Santa Fe, NM 87505

Via email: Ricardo.Maestas@state.nm.us

RE: WIPP Class 2 Modification Request - Removal of Water Level Monitoring Wells

Dear Ricardo,

Southwest Research and Information Center (SRIC) provides the following comments on the Class 2 Permit Modification request, dated October 25, 2019, according to the public notice and the request document.

SRIC appreciates that the permittees provided a draft of the proposed request and that representatives of the permittees as well as NMED met with SRIC and other citizen group representatives, and members of the public on August 15, 2019 in Santa Fe. SRIC continues to believe that such pre-submittal meetings are useful and supports continuing that “standard” practice in the future.

However, SRIC notes three changes in the pre-submittal meeting format at the August 15 meeting. A positive change is that translation facilities are available, as needed. The other two changes are not so positive. First, SRIC does not understand the reasons to have the stenographer, as the previous practice of having people take notes seems adequate. The stenographer is not necessarily familiar with WIPP terminology, which can interrupt the flow of the meeting when the stenographer needs to ask the speaker to explain or repeat what was said. Second, the change of the normal pre-submittal meeting location from Albuquerque to Santa Fe is more problematic. Because a required post-submittal meeting continues to be in Santa Fe, people in Albuquerque have to travel a greater distance to participate in any meeting, whereas the previous practice had the added value of allowing more convenient participation by people from the state’s largest city, who have a history of involvement in WIPP activities. SRIC requests that the permittees reconsider that practice and resume holding pre-submittal meetings in Albuquerque. SRIC has no objection to required meetings being held in Santa Fe.

Regarding the modification, SRIC does not object to the removal of the seven water-level monitoring wells. The addition of Appendix C to the request, which was not included in the draft submittal and was encouraged at the pre-submittal meeting, is helpful to demonstrate that
the removal of the seven wells apparently has little effect on the results from the remaining water-level monitoring wells.

However, as provided by 20.4.1.900 NMAC (incorporating 40 CFR 270.42(b)(6)(ii)(A)) and past practice, SRIC requests that NMED’s approval incorporate some changes, including:

1. In the List of Tables, for Table L-4, the date should be “January 2020” (or the month in which the NMED approval is granted). The seven wells should not have been removed in October 2019 without approval of NMED, so the date in the request is incorrect.

2. In the List of Figures, Figure L-5 should not be removed, as proposed. The figure provides useful information to NMED and the public, which should remain in the Permit. Instead, Figure 1 on page C-3 of the request should become Figure L-5. That figure, without the heading and without the explanatory note, would be current as of October 2018, which should be noted either at the bottom of the figure, as is the case in the existing Permit, or added to the Legend (and List of Figures) – “Culebra Freshwater-Head Potentiometric Surface, October 2018”.

3. On revised Table L-4, the date should be changed, as described in #1 above.

4. Figure L-5 should be revised as described in #2 above and not be deleted.

Thank you for your careful consideration of, and your response to, these and all other comments.

Sincerely,

[Signature]

Don Hancock

cc: Dave Cobrain