

By email to: ricardo.maestas@state.nm.us

Mr. Ricardo Maestas
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505

Re: Deny Class 2 Permit Modification Request Due to On-Going Panel 8 Permit
Violations OR Consider As a Class 3 Permit Modification Request

Dear Mr. Maestas:

The Department of Energy (DOE) has raised the height of the Waste Isolation Pilot Plant (WIPP) underground waste disposal Panel 8 from 13 feet to 16 feet. Inadequate explanation for this increase in height is given in its Class 2 permit modification request. DOE has a duty to provide an explanation. 40 CFR § 270.42 (b)(1)(iii).

The New Mexico Environment Department's Hazardous Waste Permit allows for ceiling heights of 13 feet. DOE has violated the Permit.

To make this change, DOE did not provide proper notice to the Environment Department – another violation of the Permit.

DOE is now asking the Environment Department to ignore the Permit violations and approve the requested increased height, along with changes to the potential volatile organic compounds (VOCs) that workers may be exposed to. The changes are described on p. 8 of the Overview of the Permit Modification Request this way:

For Panel 8, the headspace volume increased because the rooms were excavated to a greater height. To ensure an equivalent level of worker protection as was required in Panels 1 through 7, the room-based limits in Panel 8 need to be updated appropriately to compensate for the increase in headspace volume.

Again the duty to provide explanation is not honored: Why are the parts per million [by volume] (PPMV) for Panel 8 VOCs only 1/3 or 1/2 of the PPMV for Panels 1-7?

I respectfully request the Environment Department to deny the Class 2 permit modification request OR consider the request as a Class 3, which will require a public hearing if significant public concern is shown.

Thank you for your careful consideration of my comments.

Sincerely,
Basia Miller, Board Member
Concerned Citizens for Nuclear Safety