July 27, 1993

Governor Cecil D. Andrus
Governor of Idaho
State Capitol
Boise, Idaho 83720

Re: WIPP RCRA Permit

Dear Governor Andrus:

It was nice to visit with you a few weeks ago in Tucson and thank you for your telephone call. Governor Bruce King asked me to lay out the administrative requirements for the WIPP State Hazardous Waste Permit for you.

This has already been a long and tedious process involving an entire room full of documents and numerous exchanges between the New Mexico Environment Department and the Department of Energy. Certainly a permit such as the one required for WIPP has never been done anywhere else. Nevertheless, my staff has informed me that a draft permit should be available for public comment by mid-August, 1993. The New Mexico Hazardous Waste Management Regulations ("HWMR-7") §902.A.1 requires forty-five (45) days for public review and comment. Because of the voluminous nature of this permit, the comment period will be extended to sixty (60) days at a minimum. However, it should be anticipated that there will be requests for additional time. Sufficient time to review and comment on the draft permit is critical for a fair and meaningful hearing process, not only for the public but also for DOE.

NMED shall then consider all the comments received, respond to those comments and revise the draft permit accordingly. Since we expect a great number of comments, NMED’s consideration and rewrite of the draft permit may take as long as 90-120 days. After the public comment period, the permit shall be public noticed for 60 days prior to the public hearings. In that 60 days may not be enough time to digest this large permit and for the parties to prepare for hearing, we expect that additional time may be requested.

NMED will have a hearing in at least three locations in the State. I anticipate each hearing may last several days. Further, I fully expect the Hearing Officer to leave the hearing record open for post-hearing submittals. In addition to general evidence on WIPP,
testimony may also be taken on why a permit should not be issued. The Administrative Decisionmaker then will take some time to consider the entire record, including suggested changes to the draft permit. State regulations do not have a deadline for a decision.

Governor, I understand your impatience with the State RCRA process. However, the WIPP application is proceeding through the same administrative review that all of New Mexico's other RCRA facility applications receive. We are striving to be consistent.

I hope this information is helpful in understanding the New Mexico administrative process for permits under HWMR-7. If I can provide you with any additional information, please contact me.

Sincerely,

[Signature]
Judith M. Espinosa
Secretary

cc: Governor Bruce King