



Ms. Madai Corral, Hearing Clerk
New Mexico Environment Department (NMED)
Re: HWB 21-02 WIPP SHAFT

May 21, 2021

Dear Ms. Corral:

The New Mexico Environmental Law Center joins with many other organizations and individuals to object to the Waste Isolation Pilot Plant (WIPP) expansion and to the New Shaft. We urge the Hearing Officer to deny the New Shaft draft permit modification.

The New Shaft is an integral part of the Department of Energy's (DOE's) expansion plan for WIPP. That plan violates existing volume and time limits for WIPP set in federal law, state agreements, the WIPP Permit, and DOE's decades-old social contract with New Mexicans.

DOE has not presented the entire WIPP expansion plan to the public and to New Mexico officials. Instead, DOE is providing only a single piece of the plan – the New Shaft – saying that other pieces of the plan will be presented in the future. NMELC objects to DOE's piecemeal approach. We object to NMED's refusal to explain the true purpose of the shaft in their required notification documents for the public. In order to provide informed public comments, the public must be able to review DOE's entire plan.

We know that in 2020 the National Academy of Sciences reported that, "An incremental approach inhibits a comprehensive review by regulators and the public of the full impact of the proposed ... program on a future WIPP."

We also know that in the same year it was the Government Accountability Office – not DOE or NMED – that properly labeled the new shaft as a "utility shaft" and provided the public with the design of DOE's plan to more than double the number of underground waste disposal panels.

DOE's claim that the new shaft is needed solely for underground ventilation is a false narrative to distract NMED and the public from the WIPP expansion. Since it opened in 1999, WIPP has been operating with the existing four shafts. A New Filter Building will be completed far before the New Utility Shaft will be finished, and that New Filter Building will provide more underground ventilation than WIPP has ever had before. As a result, an additional shaft to be used solely for ventilation would be redundant. In reality, the New Utility Shaft is an integral part of DOE's expansion plans. These expansion plans must be a part of the public hearing as without them the hearing is defective.



Other concerns:

- The state agreed to accept low-level radioactive waste for a short duration of time and agreed to not accept any further content and close the site indefinitely.
- The change in the mission of WIPP to now include surplus plutonium waste from the nation is cause for concern because of the disproportionate amount of uranium waste from mining activities and nuclear testing that has not been cleaned up.
- The additional air equipment at WIPP was not needed in the initial permit that was granted and if the facility is set to close in 2024, this use of spending seems like a waste and will not add to a quicker closure or facilitate expedited work at the facility. Perhaps this funding could have been used to create a site for long-term storage of high level waste since the federal government has not created a plan nor designated any repository within the nation that is capable of storing radioactive waste. Another use of the funds could have gone to purchase electric vehicles and equipment in order to reduce noxious fumes.
- The addition of the new shaft does not provide any better access for workers and was not in the initial draft permit nor approved of by the state before it was mined and created.

Again, we ask you to please deny the draft permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia Necochea", is written over a faint, illegible stamp.

Dr. Virginia Necochea
Executive Director
New Mexico Environmental Law Center