



NOTICE OF PUBLIC HEARING NEW MEXICO ENVIRONMENT DEPARTMENT

In accordance with 20.6.2.3108(N) and 20.1.4.200(C)(2) NMAC, New Mexico Environment Department (NMED) provides this public notice of a remote public hearing associated with the proposed, i.e., draft, groundwater discharge permit (Discharge Permit or DP-831) for the Waste Isolation Pilot Plant (WIPP or Facility) beginning at 12:00 p.m. on September 7, 2021, and continuing on as needed. The link to the virtual platform for the hearing, including how to join by telephone, can be found on the NMED Calendar at <https://www.env.nm.gov/events-calendar/>. The draft Discharge Permit was prepared in response to a discharge permit application submitted by the U.S. Department of Energy (DOE or Applicant) for renewal and modification of the existing Discharge Permit. The hearing officer will provide opportunities for oral statements or non-technical testimony from members of the public at the hearing.

Name and address of the Applicant: U.S. Department of Energy, Waste Isolation Pilot Plant, Reinhard Knerr, Manager, Carlsbad Field Office, P.O. Box 3090, Carlsbad, NM 88221.

Location of the discharge: The Facility is located off Highway 128, approximately 26 miles southeast of Carlsbad, in Sections 20, 21, 28, and 29, Township 22S, Range 31E, in Eddy County. WIPP is a mined geologic repository for the disposal of transuranic (TRU) waste. Discharge locations at the Facility potentially affecting groundwater include an impoundment system collecting domestic wastewater (Facultative Lagoon System), three active/pending salt cells (Salt Cells 2, 3, and 5), four lined impoundments collecting stormwater in contact with salt cells (Salt Storage Ponds 1, 2, 3, and 5), three lined impoundments collecting stormwater not in contact with salt cells (Storm Water Ponds 1, 2, and 3), and five lined impoundments collecting non-hazardous, non-radioactive, industrial wastewater (Evaporation Pond H-19, Effluent Lagoons B and C, Brine Retention Ponds East and West, and Brine Salt Storage Pond 4).

Activities that produce the discharge: Discharges at this Facility include stormwater directed to synthetically lined evaporation impoundments from the Facility grounds and from active and inactive salt cells. Additionally, the Facility discharges industrial wastewater to synthetically lined evaporation impoundments from the following sources: brine, purge waters from sampling and developing Facility monitoring wells, condensate from the Exhaust Shaft fan ductwork on the surface, and water collected from the Waste Shaft Sump, Exhaust Shaft Interception Wells, and other observation boreholes in the underground. The Facility discharges domestic wastewater to a synthetically lined evaporation impoundment system. The Applicant proposes to discharge brine produced from the operations of the planned Salt Reduction System to two synthetically lined evaporation impoundments. The proposed Permit modification consists of the addition of one new salt storage cell and four new impoundments: Salt Cell 5, Salt Storage Pond 5, Brine Salt Storage Pond 4, Brine Retention Pond East, and Brine Retention Pond West. Salt Storage Pond 5 will receive both the leachate and stormwater in contact with salt located in Salt Cell 5.

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Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

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Quality, quantity, and flow characteristics of the discharge: The draft Discharge Permit authorizes the discharge of up to 27,000 gallons per day (gpd) of domestic wastewater to the domestic wastewater system, up to 50,000 gpd of industrial wastewater to a synthetically lined evaporation impoundment, up to 2,210 gpd of brine to synthetically lined evaporation impoundments, stormwater off salt cells to synthetically lined evaporation impoundments, and stormwater (not in contact with salt cells) to synthetically lined evaporation impoundments. Potential contaminants from these types of discharge include nitrogen compounds, dissolved solids, and chloride. The discharge may contain water contaminants with concentrations above the standards of 20.6.2.3103 NMAC and may contain toxic pollutants as defined in 20.6.7(T) NMAC.

Depth to groundwater: Groundwater most likely to be affected is at a depth of approximately 35 to 160 feet and had a pre-discharge total dissolved solids concentration of 3,400 milligrams per liter.

Hearing procedures: The hearing will be conducted pursuant to the NMED's Permit Procedures regulations, 20.1.4 NMAC, and the NMED Ground and Surface Water Protection regulations, 20.6.2.3110 NMAC. Any member of the public may attend the hearing and present relevant non-technical testimony, orally or in writing, and to examine witnesses testifying at the hearing. Any member of the public may present a written non-technical statement or submit comment at any time prior to the close of the hearing to Madai Corral, Hearing Clerk, NMED, P.O. Box 5469, Santa Fe, NM 87502-5469 or madai.corral@state.nm.us. To be a party or to present technical testimony, a person must follow the procedures specified below.

Entry of Appearance Required to be a Party: Any person who wishes to be a party to the hearing shall file with the Hearing Clerk, and serve upon all other parties of record, including NMED and the Applicant, an *Entry of Appearance* on or before **August 27, 2021**.

Statement of Intent to Present Technical Testimony required: Any person who wishes to present technical evidence, data, or testimony at the hearing shall file with the Hearing Clerk and serve on the Applicant, NMED, and all other parties of record a *Statement of Intent to Present Technical Testimony* on or before **August 27, 2021**, pursuant to 20.6.2.3110(C) NMAC. A timely filed Statement of Intent shall be considered an Entry of Appearance. The Statement of Intent must comply with the requirements in 20.1.4.300 NMAC and 20.6.2.3110(C) NMAC and shall include: the name of the person filing the statement, whether the person filing the statement supports or opposes the proposed Permit, the name/address/affiliation/work background/educational background of each witness, the estimated length of direct testimony of each witness, a list of exhibits to be offered into evidence at the hearing with a copy of each exhibit that is not already part of the Record Proper, a list of all technical materials – and information where the material can be obtained – relied upon by each witness in making a technical statement of fact or opinion and an explanation of the basis for such an opinion, and the full written direct testimony of each witness including any opinions to be offered by such witness and an explanation of the basis for that opinion. Failure to file a timely Entry of Appearance or Statement of Intent to Present Technical Testimony shall preclude a person from being a party to the proceeding and from presenting technical testimony but shall not preclude a person from presenting a general written or oral statement or non-technical testimony in the proceeding.

Final determination on Permit by NMED: The Secretary of NMED will make a final determination approving, conditionally approving, or disapproving the draft Discharge Permit based on the Administrative Record for the permit application, public comment, and the public hearing.

Documents filed with Hearing Clerk: All documents that need to be filed with the Hearing Clerk shall be submitted to: Madai Corral, Hearing Clerk, NMED, P.O. Box 5469, Santa Fe, NM 87502-5469, Telephone: (505) 490-5803.

Documents served on NMED: All documents that need to be served on NMED shall be sent to Chris Vigil and Christal Weatherly, NMED Office of General Counsel, 121 Tijeras Avenue NE, Ste 1000, Albuquerque, NM 87102, or christopherj.vigil@state.nm.us and christal.weatherly@state.nm.us.

Transcripts of hearing: Pursuant to 20.6.2.3110(J) NMAC, NMED will make an audio recording of the hearing. If any person requests a certified copy of the written transcript or audio recording, the requestor shall pay the cost of the transcription or audio copying.

Further information and NMED contact: For further information on DP-831 and the public hearing or to obtain a copy of the draft Discharge Permit, the Fact Sheet, the Public Involvement Plan (PIP), submit comments, or request to be placed on a mailing list for future notices for this Facility, please contact Ms. Avery Young, NMED Ground Water Quality Bureau (GWQB), P.O. Box 5469, Santa Fe, NM 87502-5469, by telephone at (505) 699-8564, or at avery.young@state.nm.us. The GWQB will accept comments and statements of interest regarding the application and will create a facility-specific mailing list for persons who wish to receive future notices.

NMED maintains a facility-specific mailing list for persons wishing to receive notices for permitting actions associated with this Facility. To be placed on this mailing list contact Ms. Avery Young.

The draft Discharge Permit and the Fact Sheet may be viewed online at <https://www.env.nm.gov/gwqb/dp-831/>. For a Spanish translation of the Fact Sheet, visit <https://www.env.nm.gov/gwqb/dp-831-es/>. Additionally, NMED maintains a facility specific PIP for each permitting action so the agency may plan for providing public participation opportunities and information that may be needed for the community to participate in a permitting process. The PIP may be viewed online at <https://www.env.nm.gov/gwqb/public-involvement-plans/>. The Administrative Record may be viewed at the GWQB located at 1190 St. Francis Drive, Suite N2300, Santa Fe, NM 87505.

How to request accommodations: If any person requires assistance, an interpreter, or auxiliary aid to participate in this process or if you are a non-English speaker or do not speak English well and would like to request assistance, please contact Ms. Avery Young by telephone at (505) 699-8564 or submit a written request to Ms. Young at least ten (10) calendar days prior to the hearing at NMED GWQB, P.O. Box 5469, Santa Fe, NM 87502-5469, or avery.young@state.nm.us. Requested interpretation services during the meeting and accommodations or services for persons with disabilities will be arranged to the extent possible. Please note that Spanish interpretation services will be provided during this proceeding. Arrangements may be made for document translation or interpretation related to the permitting process as necessary and as resources allow. Telephone conversation assistance is available through Relay New Mexico at no charge for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779; TTY users: 1-800-659-8331; Spanish: 1-800-327-1857. Telephone interpretation assistance for persons that are a non-English speaker or do not speak English well is available at no charge when calling NMED.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is

responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kathryn Becker, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.