STATE OF NEW MEXICO
Environment Department

MICHELLE LUJAN GRISHAM, GOVERNOR
James C. Kenney, Cabinet Secretary

NEWS RELEASE

For Immediate Release

The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

April 23, 2026

Contact: Drew Goretzka, Director of Communications
New Mexico Environment Department
505.670.8911 | drew.goretzka@env.nm.gov

NMED issues draft Waste Isolation Pilot Plant permit

New conditions prioritize legacy waste cleanup nationwide

SANTA FE — The New Mexico Environment Department today proposed revisions to the U.S. Department of Energy's Waste Isolation Pilot Plant hazardous waste operating permit, strengthening enforcement of federal cleanup obligations for legacy waste stored at federal facilities across the country.

The proposed permit modifications codify commitments the U.S. Department of Energy (DOE) made in its 2023 settlement agreement with New Mexico. Under that agreement, DOE committed to prioritizing disposal of legacy waste in a new underground disposal unit at the Waste Isolation Pilot Plant (WIPP) in Carlsbad, authorized by NMED during permit renewal.

DOE has since delayed construction of that unit until 2035, effectively backing away from its obligations under the 2023 settlement.

"The U.S. Department of Energy cannot retreat from its obligation to cleanup legacy waste generated from the Manhattan Project through the Cold War," said **Environment Secretary James Kenney**. "In response, we are strengthening the Waste Isolation Pilot Plant's operating permit to affirm the commitments made to protect the health of communities across the United States, including New Mexicans."

Legacy waste includes material with radioactive and hazardous contamination generated through historic nuclear weapons production and energy research. This includes contaminated clothing, tools, soil, legacy landfills and decommissioned facility structures.

In addition to covering legacy waste nationwide, the 2023 settlement agreement also required DOE to prioritize legacy waste stored at Los Alamos National Laboratory. DOE has failed to meet that obligation as well.

For example, from 2023 to 2025, DOE shipped 992 waste containers from Idaho National Laboratory to WIPP, compared to 198 waste containers from LANL.

Today's proposed permit modifications would require DOE to meet its legal obligations to the State of New Mexico through several measures, including:

1. **Defining legacy waste**: For too long, DOE has operated without a clear permit definition of legacy waste. This change allows definitions used in other states to be considered and holds DOE accountable to New Mexico's definition.

2. **Setting objective metrics for LANL legacy waste cleanup:** DOE must ensure that LANL legacy waste accounts for 55% of total disposal volume at WIPP from 2027 through 2031, increasing to 75% beginning in 2032. These targets would allow DOE to catch up on LANL cleanup obligations under the 2023 settlement agreement.

3. **Establishing clear deadlines**: DOE must dispose of all above-ground LANL Material Disposal Area G legacy waste at WIPP by July 1, 2028.

4. **Requiring enhanced transparency:** DOE must provide more robust reporting to demonstrate compliance with these requirements.

NMED issued a public notice today, alongside the draft permit, beginning a 45-day public comment period that will end on June 8, 2026.

After the comment period closes, NMED will hold a public hearing on the draft permit conditions unless the parties can reach a settlement agreement on the draft permit conditions in lieu of a public hearing. NMED expects the process to conclude by fall 2026.

The public notice and fact sheet for this action are available in English and Spanish on NMED's WIPP News website at https://www.env.nm.gov/hazardous-waste/wipp/.

###

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: Kate Cardenas, Non-Discrimination Coordinator | NMED |1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502 or (505) 827-2855 or nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.

###