



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Office of the Secretary
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PETER MAGGIORE
SECRETARY

James Bearzi

Permit

February 14, 2002

Marsha Mason
528 Don Gaspar
Santa Fe, New Mexico 87501

Dear Ms. Mason:

Governor Johnson has asked me to respond to your January 2, 2002, letter in which you request that I demand closure of Los Alamos National Laboratory's (LANL's) Material Disposal Area (MDA) G. I appreciate your concerns, and urge you to participate throughout the permitting process that will be ongoing in the months and years to come.

As you may know, the Department is in the midst of a major effort to issue LANL a new Resource Conservation and Recovery Act (RCRA) permit. This permit will set forth the requirements that must be met at LANL for managing hazardous waste, and hazardous waste that may contain radioactive contamination as well. The permit and associated administrative orders will also define how and how fast clean up will take place at LANL for at least the next decade. The permit renewal process requires public participation as described in 40 CFR §270.42 and 20.4.1.901 NMAC. Additionally, should the Department issue an order or other administrative action requiring closure or corrective action at LANL, it will only do so after having given the public an opportunity to provide comments on the proposed action.

The Department sincerely values the input provided by New Mexicans such as yourself, and will strongly consider your positions regarding closure and disposal at TA-54 throughout the permitting process. On behalf of the Department, I thank you for bringing your position on these important issues to my attention. Should you require further information, please contact James Bearzi, Chief of the Department's Hazardous Waste Bureau. He may be reached at (505) 428-2512.

Sincerely,

Peter Maggiore

Peter Maggiore
Cabinet Secretary



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PETER MAGGIORE
SECRETARY

February 14, 2002

Permit
Greg Mello
Los Alamos Study Group
212 E. Marcy Street, Suite 10
Santa Fe, New Mexico 87501

Dear Mr. Mello:

Thank you for Los Alamos Study Group's (LASG's) recent January 15 letter in which you request that the New Mexico Environment Department (NMED) "formally close" the Los Alamos National Laboratory's (LANL's) Material Disposal Area (MDA) G.

As we have discussed on several occasions, the Department is in the midst of a major effort to issue a new RCRA permit for the LANL. Technical Area 54, including MDA G, will be included in the new permit. Moreover, the NMED expects to issue an administrative order in the near future addressing at least some of the issues you raise regarding MDA G. As you know, the permit renewal process requires public participation as described in 40 CFR §270.42 and 20.4.1.901 NMAC. Additionally, I have pledged to you and other groups that the NMED will not issue any order requiring closure or corrective action at Los Alamos without allowing the public an opportunity to provide comments on the proposed action. My commitment to honor that pledge has not wavered.

The Department sincerely values the input provided by your and others' organizations, and will strongly consider your positions regarding closure and disposal at TA-54 throughout the permitting process.

Finally, as Secretary, I am the party who would issue any permit for operations at LANL. Accordingly, please ensure that future discussions and correspondence about specific issues and requests similar to those you raise be directed to Greg Lewis, the Department's Water & Waste Management Division Director. I'm sure you can understand my desire not to have any *ex parte* discussions about substantive portions of the permit or potential orders I may issue. To reiterate, I am happy to continue to discuss process issues, in particular, public participation, with you or your colleagues at any time.

Greg Mello
February 14, 2002
Page 2

Again, thank you for bringing LASG's positions on these important issues to my attention. I look forward to continuing our constructive working relationship.

Sincerely,

A handwritten signature in black ink that reads "Peter Maggiore". The signature is written in a cursive style with a large, prominent initial "P".

Peter Maggiore
Cabinet Secretary