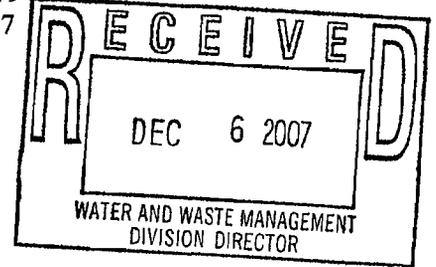


Permit

1625 Geary Rd
Walnut Creek, CA 94597
November 28, 2007



The Honorable Ron Curry
Cabinet Secretary
New Mexico Environment Department
1190 St. Francis Dr. Suite N4050
Santa Fe, NM 87505

Dear Secretary Curry:

As a former employee of the Los Alamos National Laboratory {LANL} [1965-1988], Department of Energy [1988-2000] and the University of California [2000-2006] I was involved in or had cognizance of the LANL environmental program and the Resource Conservation and Recovery Act [RCRA] permit issued by the Environmental Protection Agency and later the New Mexico Environment Department [NMED] and its predecessors. Because of my general interest, I read the August 27, 2007 timeline prepared by NMED for the renewal of the draft RCRA permit for LANL and was dismayed by what I read. I have summarized this timeline in the attachment to this letter.

Basically, the initial RCRA permit for LANL was granted in 1989 for a 10-year period. In anticipation of its renewal, LANL filed renewal documents in 1996 so that NMED had three years to prepare the new permit. Eleven years from that initial filing, NMED has finally come out with a draft permit for public comment. At the current pace, one could anticipate a final permit being issued in 2009 or a full 10 years after it was due thus effectively skipping an entire 10-year period! This unfortunate time lag or delay casts serious doubt on the ability of NMED to regulate federal entities under RCRA.

I realize much of this history occurred before you became Secretary and that you may not have been fully briefed on its details. If the regulated entities were this late in their RCRA deliverables, I suspect NMED would have forced them to close all hazardous waste operations.

I wish you the best in trying to get the Department to be more timely in its responses to the regulated community and better serve all the citizens of New Mexico.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. John Ahlquist".

A. John Ahlquist

cc. Jon Goldstein, NMED

31328



TIMELINE FOR RCRA AT LANL
FROM NMED FACT SHEET DATED 8/27/07

[RCRA corrective actions are not included in this timeline.]

11/19/80 - RCRA regulations become effective; LANL files Part A application

1/25/85 - NM given authority by EPA to regulate hazardous wastes under NM Hazardous Waste Act [HWA]

11/8/89 - NM Environmental Improvement Dept. issues LANL permit [good for 10 yr]

3/8/90 - EPA issues environmental investigation/corrective action module under RCRA regulations to LANL permit

7/25/90 - NM gets expanded EPA authorization to handle hazardous component of mixed waste

6/95 - LANL files Part B for TA-16 [and again in 2003]

1/2/96 - EPA grants authorization to NM to regulate corrective actions

6/96 - LANL files Part B for TA-55 [and again in 2003]

8/96 - LANL files new Part A and Part B in preparation for 1999 permit renewal [provides further Part A information from 1999 to 2006 {the latter reflecting change in contractors} and Part B information in 1999, 2000, 2001, 2002, 2003]

1/99 - LANL files Part B for TA-50 [and again in 2002]

1/99 - LANL files Part B for TA-54 [and again in 2003]

6/99 - on or before this date, LANL files Part B for TA-14, TA-36 and TA-39

9/99 - TA-3 Part B submitted by LANL

11/99 - NMED extends 1989 LANL permit [did not act on previous applications and makes several subsequent updates of old permit]

8/27/07 - NMED issues updated draft permit for public comment