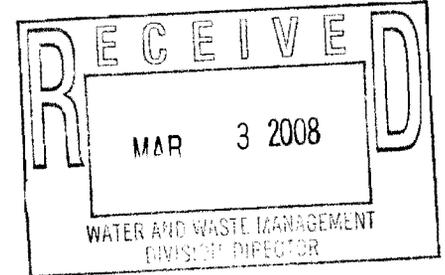


Permit

ENTERED

MAR 10 2008

1625 Geary Road
Walnut Creek, CA 94597
February 22, 2008



The Honorable Jon Goldstein
Deputy Secretary
New Mexico Environment Department
1190 St Francis Drive N4050
Santa Fe, NM 87505

Dear Mr. Goldstein:

Thank you very much for your letter of December 19, 2007 in response to my concerns about the delays in the issuance of a revised Resource Conservation and Recovery Act [RCRA] permit for the Los Alamos National Laboratory [LANL]. My reaction was, *WOW*, your job to improve timeliness in permitting is more daunting than I thought. It is amazing that the New Mexico Environment Department [NMED] permit writers are so risk averse that they require 1.5 million pages [150 boxes of paper, if printed on both sides, which would expand to perhaps 500 boxes of material if sorted into binders] to review before issuing a draft permit over 7 years late. If NMED reviewed that much information, I can see why they would be late but, is it all necessary? It also clarifies why LANL might have difficulty "submitting timely and complete application materials" because the requirements for such information are not likely clear and responders may not see the need for what is being requested. Even so, the NMED timeline shows that most of the information had been submitted by 2001 or six years earlier.

Some questions that come to mind are:

1. LANL has been operating under the old permit for 10 years plus 8 years of extensions. What has changed from the old permit that requires that much further information?
2. How much information was required of Sandia National Laboratory? Its hazardous waste operations should be somewhat similar.
3. How much information is required of major industrial contractors such as Intel?
4. If Sandia, Intel and others are required to produce much less information, why?
5. If LANL is typical of all RCRA permit applications in New Mexico, what is the impact on trying to attract new business to the state?
6. If LANL is typical, are the NMED resources commensurate with the challenge? If not, why does NMED wish to continue this work when it could be sent back to the Environmental Protection Agency [EPA] with NMED as an advisor?

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If NMED were to voluntarily remand the authority for federal facilities back to the EPA, it would make your life much easier because:

1. You would not have to scrape for resources in an always tight state budget.
2. You would not have to deal with the responsibility of a small state dealing with complex institutions but yet could have a significant advisory role.
3. You would not face possible embarrassment if EPA were to withdraw their authorization for NMED to manage RCRA for federal facilities because of problems such as the LANL permit.

You mentioned the drain that occurred on your department in negotiating the cleanup work at LANL. We could have an interesting discussion on this also, but I've tried to keep that separate from the RCRA permitting issue. However, you could ask why it took until 2007 to issue a finding of no further action on 20 solid waste management units. Two had been submitted to NMED in 1995 and 18 in 2001 [see your March 26, 2007 press release]. Delays of nearly 6 and 12 years for a simple action seem unnecessary.

In California I have been reminded recently of how quickly the state and contractors can accomplish work if they work together. After a major overpass was damaged due to an accident, the contract was let and demolition and reconstruction were completed in less than one month. The changing of a section of the Bay Bridge took several days. Most recently, the damage to a bumper around a pier of the Bay Bridge, caused when a large container ship ran into the bumper, was repaired a month ahead of schedule and \$500K under budget. What lessons might be learned for NMED?

At Los Alamos the laboratory was founded in April 1943 and 2 years and 3 months later the first atomic explosion occurred. This is an example of government and contractor working together.

Again, I thank you for your letter and wish you the best as you face the task of improving permitting by NMED.

Sincerely,



A. John Ahlquist

cc: Gov. Richardson
Secretary Curry