

Permit



Cram, Rebecca, NMENV

From: Bearzi, James, NMENV
Sent: Wednesday, July 01, 2009 6:41 PM
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Subject: Revised Draft Permit Errata
Follow Up Flag: Follow up
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Greetings. A few issues for your information, consideration, or action ...

1. NMED has looked at the dioxin/furan data, and is compelled to reinsert the prohibition on "wastes that generate dioxins or furans" (in Section 6.2). We don't think this is an irrevocable provision, as the data are at best inconclusive concerning the human health and ecorisk posed. More specifically, the model NMED ran failed screening for certain trophic levels (recall the montane shrew). That in and of itself isn't conclusive, but it does call for a further refined assessment. The sampling also failed the initial screening for ecorisk. Again, this calls for a more refined assessment that will require, at a minimum, further sampling to achieve the statistical confidence needed for a refined human health and ecological risk assessment. Because July 6 is just around the corner, NMED put the prohibition back in. However, the Permittees have the opportunity to develop and implement the studies needed to put this issue to rest.

2. This relates to number 1 above. The Permittees and others may object to this new prohibition (after all, it wasn't in the June 21 proposed draft), and may want to except it from their stipulation. I don't think there are other substantive changes. Nevertheless, I'm allowing the signatory parties to the stipulation to revise their exceptions through Wednesday, July 8, so that you have a chance to look at the July 6 revised draft permit. I'll push out a redline/strikeout version (compared to the June 21 version) on July 6 to facilitate your review. If you have changes to your exception list, you may send them to me electronically no later than close of business July 8. I'll compile the entire document again (stipulation with exhibits), and send it out after July 8.

3. This relates to number 2 above. For Joni and Sheri, NMED urges you to reconsider your decision not to agree to the substance of the permit (I acknowledge that you did agree to a few provisions), particularly in light of all the work we all put into it. Joni -- I understood that you would look at the DOE IG report, and perhaps be able to narrow your exceptions based on your review. NMED greatly appreciates that suggestion, and any reconsideration of your exception. Sheri -- NMED acknowledges that you made no such offer, but still would urge and appreciate your reconsideration as well.

-- James

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