



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

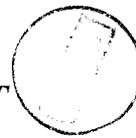
2905 Rodeo Park Drive East, Building 1

Santa Fe, New Mexico 87505-6303

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www.nmenv.state.nm.us



RON CURRY
SECRETARY

CINDY PADILLA
DEPUTY SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 12, 2007

David B. McCoy
Executive Director
Citizen Action New Mexico
P. O. Box 4276
Albuquerque, NM 87196-4276

RE: PUBLIC INFORMATION REQUEST, JANUARY 27, 2007

Dear Mr. McCoy:

I am in receipt of your January 27, 2007, letter that contains four requests for public records pertaining to the Sandia National Laboratories (SNL) Mixed Waste Landfill (MWL). The New Mexico Environment Department's (Department's) response to those requests follows, enumerated as in your letter.

1. The records can be reviewed at the Hazardous Waste Bureau's offices in Santa Fe. To arrange your review of these documents, contact Pam Allen at (505) 476-6064, or by e-mail at pam.allen@state.nm.us.
2. See #1.
3. See #1, except where noted below. The references in the report by Moats and others (2006) are addressed below, in the same order as in the report:
Ecology and Environment, Inc., 1989 – already provided to Citizen Action
Freeze and Cheery, 1979 – privately-owned text book, not available in Department files
Goering and others, 2002 - already provided to Citizen Action
Goering, July 2006 – copy enclosed
Goering, September 2006 – copy enclosed
Ho and others, 2005 – part of MWL Corrective Measures Implementation Work Plan.
Already provided to Citizen Action. Also see the Department's web page at

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<http://www.nmenv.state.nm.us/hwb/snlperm.html> under Mixed Waste Landfill
under Corrective Measures Work Plan .

IT Corporation, 1996 – see #1

IT Corporation, 1999 – see #1

Los Alamos National Laboratories, 2005 – see #1

Lyon and Goering, 2006 – already provided to Citizen Action

Moats and Winn, 1995 – see #1, portions already provided to Citizen Action

NMED, April 2005 – see internet link indicated above

NMED, May 2005 – see internet link indicated above

Sandia National Laboratories 1992 – already provided to Citizen Action

Sandia National Laboratories 1996 - already provided to Citizen Action

Sandia National Laboratories October 2000 - already provided to Citizen Action

Sandia National Laboratories December 2000 - already provided to Citizen Action

Sandia National Laboratories 2003 - already provided to Citizen Action

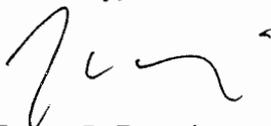
Sandia National Laboratories 2005 - see internet link indicated above

U. S. Environmental Protection Agency, 1991 – see enclosed disk.

SAND2006-_____(in process) – NMED is unable to determine which document is being requested.

4. Drafts of the Moats evaluation and comments thereto are not public records and therefore are not subject to the Inspection of Public Records Act. *See The Inspection of Public Records Act: A Compliance Guide for New Mexico Public Officials and Citizens*, p. 30 (Attorney General's Office, Jan. 2004, 4th ed.). Tannis Fox, Deputy General Counsel for NMED, made the determination that such documents are not public records.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:wpm

Enclosures

cc: J. Kieling, NMED HWB
W. Moats, NMED HWB
T. Skibitski, NMED DOE OB
T. Fox, NMED OGC
File: SNL 2007 and Reading



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RE: PUBLIC INFORMATION REQUEST, JANUARY 27, 2007

Dear Mr. McCoy:

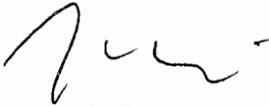
I am in receipt of your second January 27, 2007, letter that contains eleven requests for public records pertaining to the Sandia National Laboratories (SNL) Mixed Waste Landfill (MWL). The New Mexico Environment Department's (Department's) response to those requests follows, enumerated as in your letter.

1. The TechLaw reports are draft documents and therefore are not subject to the Inspection of Public Records Act. *See* The Inspection of Public Records Act: A Compliance Guide for New Mexico Public Officials and Citizens, p. 30 (Attorney General's Office, Jan. 2004, 4th ed.). Tannis Fox, Deputy General Counsel for NMED, made the determination that such documents are not public records.
2. The records can be reviewed at the Hazardous Waste Bureau's offices in Santa Fe. To arrange your review of these documents, contact Pam Allen at (505) 476-6064, or by e-mail at pam.allen@state.nm.us.
3. See #2.
4. See #2.
5. See #2.
6. Documents include the Secretary's Final Order on the MWL Corrective Measures Study, the Corrective Measures Implementation (CMI) Plan, the Notice of Deficiency (NOD) issued on the CMI Plan on November 20, 2006, and Sandia's responses to the NOD, Parts

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- 1 and 2. All documents are currently found at the Department's web page at www.nmenv.state.nm.us/hwb/sn/perm.html under Mixed Waste Landfill.
7. See the MWL Fate and Transport Model included in the CMI Plan, which is found at the above internet link.
 8. Documents include the Phase 1 and 2 RCRA Facility Investigations (copies already provided to Citizen Action) and tritium sampling results for 2003 (see #2).
 9. Documents include the Phase 1 and 2 RCRA Facility Investigations (copies already provided to Citizen Action).
 10. Documents include the Phase 1 and 2 RCRA Facility Investigations (copies already provided to Citizen Action).
 11. This statement was based on the Department's testimony in the hearing on the matter of the MWL Corrective Measures Study. Citizen Action was previously provided a copy of the Department's testimony, and the administrative record in the matter.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:wpm

cc: J. Kieling, NMED HWB
W. Moats, NMED HWB
T. Skibitski, NMED DOE OB
T. Fox, NMED OGC
F. [REDACTED] and Reading