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For Immediate Release

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Court of Appeals Affirms Environment Secretary's Methods for Protecting Groundwater beneath Sandia National Laboratories' Mixed Waste Landfill
Court Throws Out Citizen Action's Allegations

Santa Fe, N.M.) The New Mexico Court of Appeals today affirmed New Mexico Environment Department Secretary Ron Curry's decision to grant a permit for the installation of a protective cover at the Sandia National Laboratories' Mixed Waste Landfill. In its ruling, the court agreed that the cover is protective of groundwater beneath the landfill.

The Albuquerque-based Citizen Action filed an appeal against the department more than a year ago arguing the landfill should have been excavated rather than covered.

"I am gratified the court affirmed our plan to protect groundwater below the landfill," New Mexico Environment Department Secretary Ron Curry said. "I gave public comments in the hearing officer's report a great deal of consideration before granting the permit modification for the landfill. We should not be at odds over this issue with Citizen Action – everyone has the same goal, protecting groundwater."

The decision reaffirmed the department's regulatory approach in selecting the protective cover, a biointrusion barrier for the landfill, and involving the public in that selection. In addition, the court found Secretary Curry did not abuse his discretion, as alleged by Citizen Action, by adopting the findings of the hearing officer from the Environment Department's hearing for the permit. The court found that the hearing officer, who presided over the hearing for the Class 1 Permit Modification for Corrective Measures for the landfill, developed conclusions supported by substantial evidence.

Environment Department scientists found no groundwater contamination at the landfill. That determination was based on extensive well and soil monitoring data at Sandia. Secretary Curry and Hearing Officer Jennifer Pruet added a requirement for a fate and transport model as a result of public comment from the hearing. That model predicts the potential for groundwater contamination. Secretary Curry and Pruet also added more robust public participation requirements for future decisions related to the landfill.

Sandia, a federal facility owned by the U.S. Department of Energy, has conducted research and development of conventional and nuclear weapons, national security measures and alternative energy sources since 1945. Sandia

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generated hazardous, radioactive, mixed and solid wastes because of that work. Mixed waste contains both radioactive and solid waste. Sandia disposed of low-level radiation waste and minor amounts of mixed waste at the landfill from 1959 to 1988.

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