



BILL RICHARDSON
Governor

ENTERED
NEW MEXICO
ENVIRONMENT DEPARTMENT

Office of the Secretary

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RON CURRY
Secretary
JON GOLDSTEIN
Deputy Secretary

February 19, 2008

David B. McCoy
Executive Director
Citizen Action New Mexico
Post Office Box 4276
Albuquerque, New Mexico 87196-4276

**RE: REQUEST FOR PUBLIC MEETING ON SANDIA NATIONAL
LABORATORIES DRAFT HAZARDOUS WASTE FACILITY PERMIT**

Dear Mr. McCoy:

Environment Department Secretary Curry has asked me to respond to your letter of February 13, 2008, in which you request Sandia National Laboratories (SNL) to conduct an informal public meeting concerning the draft hazardous waste facility permit for SNL. The primary basis for your request is your assertion that a draft permit issued in 2002 has been modified many times, and that the public has not been informed of the modifications.

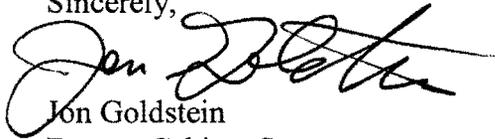
Contrary to your understanding, only one draft renewal permit for SNL's hazardous waste management has been developed and released to the public for comment. That draft permit – released for public comment on August 20, 2007 – was developed by the Department and based on information in SNL's permit application. The controlling regulations at 20.4.1.901.A(3) NMAC require a 45-day public comment period for draft hazardous waste facility permits. In the case of the SNL draft permit, the Department noticed a 60-day comment period on August 20, 2007, and subsequently granted three extensions at Citizen Action's request. The comment period for the SNL draft permit ended up lasting 172 days, 127 days longer than the regulations require.

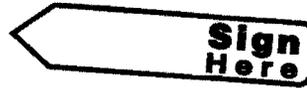
Your understanding that the draft permit has been modified many times since 2002 is also in error. As discussed above, a draft permit did not exist until 2007. It therefore could not have been modified prior to then, since it did not exist.

The regulations at 20.4.1.901.C(1) NMAC required SNL to convene a public meeting to inform the public of the proposed hazardous waste management activities at SNL's hazardous waste management units and to solicit questions and comments from the public. SNL complied with this requirement by convening such a meeting on January 17, 2002, prior to submission of its permit renewal application. The Department, therefore, does not have the legal authority to require SNL to convene such a meeting again. Your request that NMED require SNL to convene a meeting on the draft permit is therefore denied.

The Department, however, takes note of and will consider Citizen Action's request for a public hearing on the draft permit pursuant to NMSA 1978, § 74-4-4.2(H) and 20.4.1.901.A(5)(b) NMAC.

Sincerely,


Jon Goldstein
Deputy Cabinet Secretary



C: Ron Curry, Secretary, NMED
James Bearzi, Chief, HWB, NMED