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State of New Mexico
ENVIRONMENT DEPARTMENT

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August 7, 2000

Mr. Larry Gandy, Vice-President
Gandy Marley, Inc.
P.O. Box 827
Tatum, New Mexico 88267

SUBJECT: QUALIFICATIONS FOR ENGINEERING CERTIFICATION

Dear Mr. Gandy:

This letter responds to a discussion held by members of my staff; Mr. Dale Gandy, Gandy Marley, Inc.; and Gandy Marley's contractor, Montgomery Watson; regarding requirements for the independent registered professional engineer who provides certification services for Gandy Marley. The issue involves criteria for "independence" of the engineer.

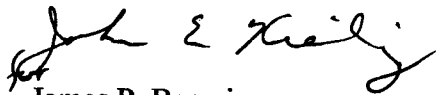
My staff have discussed this issue with staff of the US Environmental Protection Agency, Region VI, and have researched EPA policy on this subject. This research indicates that, for certifying engineer to be considered "independent", he or she (1) should be associated with a separate entity than the owner/operator of the hazardous waste management unit in question and (2) continues to be considered "independent" even when certifying his or her own design drawings, construction projects, etc. [US Environmental Protection Agency, Office of Solid Waste and Emergency Response (OSWER) document 9843.1987(2).]

Accordingly, the New Mexico Environment Department will accept certification by Mr. Patrick Corser, P.E., Montgomery Watson Group, for the design drawings, tank integrity assessment certification, etc., for the proposed Triassic Park Hazardous Waste Management Facility.

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Please call Stephanie Kruse of my staff at 505-827-1558 x 1016 if you have any questions.

Sincerely,



James P. Bearzi
Chief, Hazardous Waste Bureau

Cc: John E. Kieling, NMED/HWB
Stephanie Kruse, NMED/HWB
Dale Gandy, Gandy Marley
Pat Corser, Montgomery Watson
Red File, TP