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October 4, 2001

Steve Pullen
New Mexico Environment Department
P.O. Box 26110
Santa Fe, New Mexico 87502

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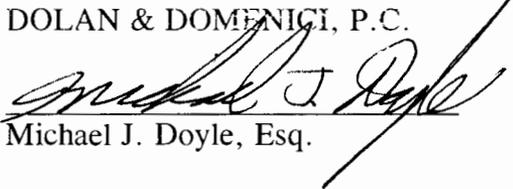
RE: HRM 01-02(P)
Triassic Park Waste Disposal Facility

Dear Mr. Pullen:

Enclosed please find a copy of Gandy Marley, Inc.'s Motion to Strike Lee Suzanne and Sean Patrick Hanratty's Notice of Intent to Present Technical Testimony. Please call me if you have any questions.

Sincerely,

DOLAN & DOMENICI, P.C.


Michael J. Doyle, Esq.

Encls. as noted

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

IN THE MATTER OF THE DRAFT
FINAL PERMIT FOR THE TRIASSIC
PARK WASTE DISPOSAL FACILITY
U.S. EPA NO. NM0001002484

No. HRM 01-02(P)

**MOTION TO STRIKE LEE SUZANNE AND SEAN PATRICK
HANRATTY'S NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY**

COMES NOW Gandy Marley, Inc., by and through its attorney of record, Dolan & Domenici, P.C. (Pete V. Domenici, Jr., Esq.) and respectfully requests that the Hearing Officer strike Lee Suzanne and Sean Patrick Hanratty's (hereinafter "Hanratty") Notice of Intent to Present Technical Testimony (hereinafter "Notice") or, in the alternative, to exclude any testimony or evidence by Jack Madeley. As grounds for this Motion, Gandy Marley, Inc. (hereinafter "Applicant") states:

1. On September 21, 2001, Lee Suzanne and Sean Patrick Hanratty filed a Notice of Intent to Present Technical Testimony (hereinafter "Notice") (attached hereto as Exhibit "A").
2. The only witness specifically named in their Notice is Jack Madeley, P.E., CSP.
3. 20 New Mexico Administrative Code (NMAC) 1.4.III.302(A)(1) establishes strict guidelines for what a Statement of Intent to Present Technical Testimony must contain and complicated the testimony will be, and the number of exhibits that may be introduced at the hearing.

Paragraph (A)(1)(c) requires each witness, including name. Paragraphs (A)(1)(f) requires the offering party to list or make available all technical materials relied upon for a witness' statement of technical fact or opinion. Similarly, (A)(1)(g) requires that the

party filing the Statement of Intent "*attach a summary of the testimony of each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinions.*" Finally, paragraph (A)(1)(e) requires that the party presenting the Statement of Intent must identify exhibits in the record proper it will use and it must provide copies of exhibits not already made part of the record proper.

The Hanratty Notice fails to comply with the requirements of 20 NMAC 1.4.III.302(A)(1) and should be stricken. The Hanrattys provide a single sentence concerning Mr. Madely's proposed testimony: "Jack Madeley, P.E., CSP may also testify as to engineering and safety issues pertaining to the design, training, and knowledge of Gandy." (Notice at pg. 1).

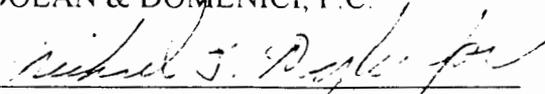
The Hanrattys' Notice fails to fairly inform the Applicant of whom it should expect the Hanrattys to present as witnesses and what those witnesses will discuss. Because of the Hanrattys lack of disclosure, the Applicant, and the other parties involved in this matter, will not be able to properly anticipate and prepare for the testimony the Hanrattys may choose to present.

4. Due to the nature of this motion, concurrence of opposing counsel was not sought.

WHEREFORE, for all of the foregoing reasons, the Applicant respectfully requests that the Hearing Officer strike the Hanrattys' Notice and enter an order stating that the Hanrattys' are not allowed to present technical testimony at the hearing of this matter.

Respectfully submitted,

DOLAN & DOMENICI, P.C.

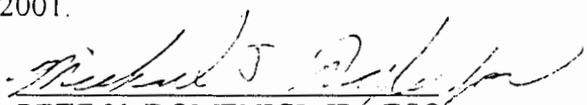


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was mailed to all counsel listed below this 4 day of October, 2001.



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BEFORE THE ENVIRONMENT DEPARTMENT
STATE OF NEW MEXICO

COPY

IN THE MATTER OF THE DRAFT
FINAL PERMIT FOR THE TRIASSIC PART
WASTE DISPOSAL FACILITY
U.S. EPA NO. NM0001002484

No. HRM 01-02(P)

NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY

Lee Suzanne and Sean Patrick Hanratty hereby gives notice that they intend to present technical testimony at the hearing scheduled to begin October 15, 2001, on the application by Grand Marley, Inc. for a hazardous waste facility permit for a hazardous waste landfill located approximately 43 miles east of Roswell and 36 miles west of Tatum.

The Hanratty family opposes to the application.

The Hanratty family may present technical evidence through experts previously identified.

The Hanratty family will call and any and all witnesses previously identified by anyone opposing the application and incorporate by reference the documents and proposed testimony pertaining to same.

Jack Madeley, P.E., CSP may also testify as to engineering and safety issues pertaining to the design, training and knowledge of Gandy. See, Curriculum Vitae attached hereto incorporated herein by reference as though set out at length.



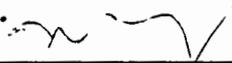
Respectfully submitted:

HANRATTY LAW FIRM

BY: 

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Artesia, NM 88211-1330
(505) 748-1329
Attorney for Lee Suzanne
and Sean Patrick Hanratty
PRO BONO PUBLICO

I HEREBY CERTIFY that a true and correct copy of the foregoing was faxed/mailed to opposing counsel of record on this 21st day of September, 2001.



Kevin J. Hanratty