

Triassic hearing gets under way

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Turning the stage in Pueblo Auditorium into a mini-courtroom, the New Mexico Environmental Department, attorneys for opponents of Triassic Park and the legal team of Gandy Marley Inc., sat behind tables filled with stacks of papers.

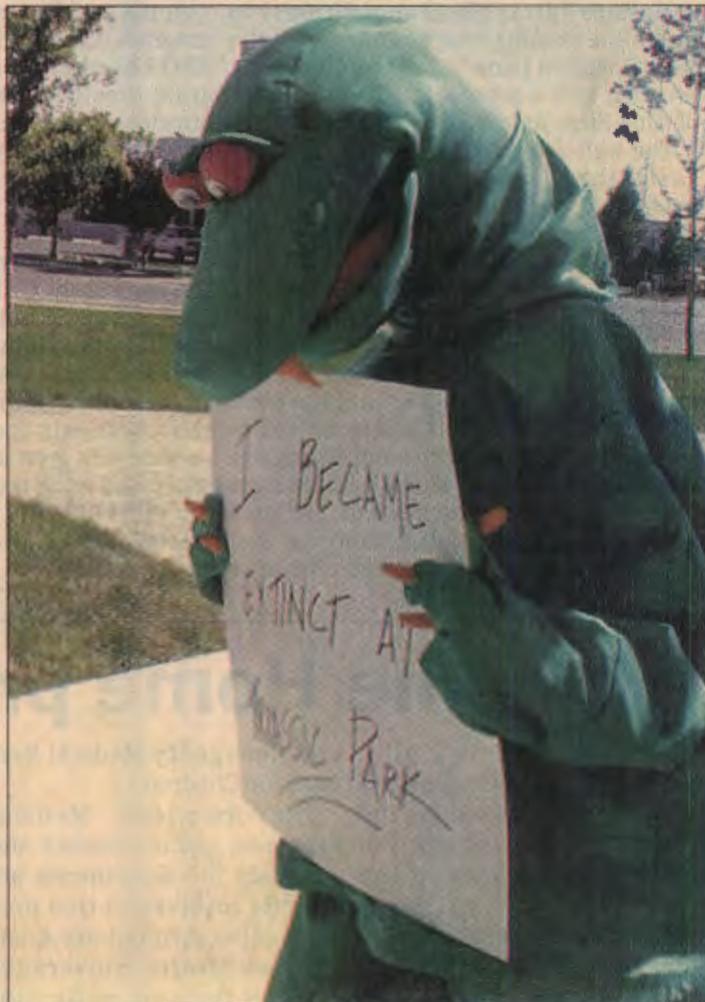
They flanked Hearing Officer Felicia Orth, setting the scene for the first day of technical testimony.

In his opening statement GMI's lead attorney, Peter V. Domenici Jr., said his clients had no general disagreement with the permitting, but took issue over the issue of calculation of closure costs and clarification of what waste can be accepted under North American Free Trade Agreement guidelines.

The GMI testimony opened and closed with Patrick Corser, a registered professional engineer. Corser opened with an overview of purpose and functions of the facility. The testimony by Corser included a videotape on the technical aspects of receiving, processing and storing hazardous waste.

The presentation of the GMI case was delayed for more than an hour so Hearing Officer Felicia Orth could rule on three GMI motions.

GMI had asked CURE (Conservative Use of Resources and Environment) be barred from speaking as a group arguing they fail to qualify, under law



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A protester dressed in a dinosaur costume strolled around during the news conference held by members of CURE, CARD, Hondo Valley Association Monday at the Civic Center Plaza.

as an association. Orth ruled to testify. Orth agreed that against that motion. Reade's technical material was not relevant to the hearing.

Orth did agree with GMI in denying Deborah Reade, Research Director for CARD dealt with Article VI of (Citizens for Alternatives to Radioactive Dumping) the right

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1964 Civil Rights Act. But Orth did agree to allow her to present 30 to 45 minutes of testimony. Orth exercised the offer of proof rule, saying since the final decision on the relevance belonged to New Mexico Environment Department Secretary Peter Maggione.

Orth did not rule on whether attorney Kevin J. Hanratty would be allowed to offer technical testimony since he failed to appear at Tuesday's hearing.

Domenici opened his case with a path of logical progression of experts who followed Corser.

Dr. Joe Marino addressed issues of likely endangered species on the site. The Sand Dune lizard and the Lesser Prairie Chicken were the focus of testimony and cross examination.

Forest Guardians representative Nicole Rosmarino questioned whether the noise and human activity at the site would pose a potential hazard to the continuation of the lizard species.

After her cross examination Rosmarino said, "The habitat for both species is marginal

now. We are troubled that both animals' future is not being taken seriously enough. The animals face extinction."

Air quality became the next topic and by far the most compelling for all those opposed to Triassic Park.

Meteorologist J.C. Cudney explained his work for GMI and the worse case scenario he fed into his computer. The idea was to consider an unattended spill of a 55 gallon drum of benzine.

"I used the evaporation rate of Roswell over a one year period," Cudney said. "I also worked up a short term evaporation using a hot July day."

Cudney pointed out benzine was used because of its well known toxic and carcinogenic characteristics. The receptors in the model were placed as the closest property to the mock spill; the Marley family ranch, not quite three miles from Triassic Park.

After running the same model for Roswell, Dexter and Hagerman, Cudney said he was certain there was no danger to the communities residents or livestock.

The meteorologist deftly handled queries from CURE and CARD representatives. They peppered him with questions

about prevailing winds, PCB and other toxic matter that could mix with dust and blow.

Domenici put Dr. Al Westerman on the stand to follow up Cudney's testimony to strengthen the points of contention over potential health hazards from toxic materials in the air.

Westerman, the risk assessment director for the Commonwealth of Kentucky, spoke at length about humans and wildlife in the area. Westerman insisted on cross examination the potential for PCB's in the dust tend to land close to their source since they are heavy, basically oil.

Geologist Jim Bonner took a number of questions on cross when he was asked about everything from site selection to depth of wells, different water sources and types of soils.

Corser returned to the stand to address GMI opposition to the formula used by NMED in calculating costs to close the site and whether waste collected in destruction and dismantling Triassic park could be buried in the site or, as NMED insisted, be carted to another facility.

NMED and GMI are over \$1

million apart on the figures. NMED wants \$14.1 million for clean up and monitoring after closure. GMI said \$12.8 will handle the efforts.

The financial thread continued after GMI rested and CURE attorneys began their presentation late in the afternoon. They first called Dale Gandy.

CURE attorneys pursued with Gandy, the financial assurances contained in the permit regarding closure of the Triassic site.

"I assured them we are prepared to comply in every aspect," Gandy confirmed at

the evening public comment session. "We have differences with NMED, but we anticipate we can resolve those differences."

Gandy's son, Larry, was called by CURE to discuss safety issues at the proposed site. The questioning took the track of training and posed situations the younger Gandy felt were somewhat premature since the permit process was still in discussion.

The evening session was far less orderly, despite the best efforts and patience of Orth.

One hour into the comment

period, she briefly adjourned the hearings when a woman was declared out of order.

Minutes later Orth reconvened the session. Following the comments of three people speaking against the proposed disposal site, one person broke the rules of civility with accusatory remarks ending the public comment session for the evening.

The technical hearing resumes this morning at 9 a.m. and at 7 p.m. Anyone wishing to make public comments is encouraged to attend.