

ENTERED

STATE OF NEW MEXICO  
BEFORE THE SECRETARY OF ENVIRONMENT



IN THE MATTER OF THE AGENCY  
INITIATED MODIFICATION OF THE  
HAZARDOUS WASTE FACILITY PERMIT  
FOR THE WASTE ISOLATION PILOT PLANT  
CARLSBAD, NEW MEXICO  
EPA ID NO. NM4890139088

No. HWB 04-01 (M)

ORDER ON MOTION TO EXCLUDE EVIDENCE  
ABOUT CHEMICAL AND PHYSICAL CHARACTERISTICS  
OF NEW WASTE STREAMS

This matter comes before the Hearing Officer on a Motion In Limine to Exclude Evidence about Chemical and Physical Characteristics of New Waste Streams filed on April 15, 2004 by the Hazardous Waste Bureau. The Motion was opposed by the Permittees, which filed a Response on April 30, 2004 and CH2MHILL, which filed a Response to the Motion on April 29, 2004. The Bureau filed a Reply on May 5, 2004.

The Motion is denied for the reasons set out in the Responses filed to the Motion, and particularly because granting the Motion would exclude relevant evidence that the Hazardous Waste Facility Permit already contains provisions for analyzing waste streams that may not be directly traceable to the Transuranic Waste Baseline Inventory Report, and that such waste streams have already been disposed of at WIPP. The Bureau is not, by this order, precluded from raising more specific objections on the grounds of relevance to evidence proffered at hearing.

Felicia Orth, Hearing Officer



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order on Motion to Exclude Evidence About Chemical and Physical Characteristics of New Waste Streams was sent via regular mail on May 10, 2004 to the following:

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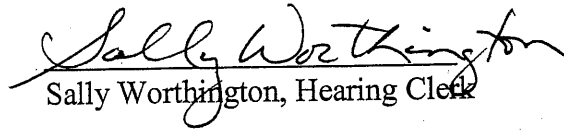
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And hand-delivered on the same date to: Mr. Chuck Noble, Assistant General Counsel,  
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Sally Worthington, Hearing Clerk