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Kieling, John, NMENV

From: Sue Dayton [sdayton@swcp.com] **Sent:** Fri 6/24/2005 4:14 PM
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Subject: PRESS RELEASE: Citizen Action Files Lawsuit Against New Mexico Environment Department
Attachments: Press Release Citizen Action sues NMED.doc(37KB)

N E W S R E L E A S E

Date: June 24, 2005

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Public Interest Group Sues New Mexico Environment Department

***Citizen Action* calls Secretary's decision to leave radioactive waste arbitrary and capricious, in violation of federal law**

Citizen Action, an Albuquerque-based, public interest group, today filed a lawsuit against the New Mexico Environment Department (NMED) to appeal a recent decision made by NMED Secretary Ron Curry that will leave two distinct types of radioactive waste illegally buried under a few feet of dirt at the Mixed Waste Landfill, Sandia National Laboratories (SNL), located on the East Mesa over Albuquerque's water supply in one of the city's fastest growing areas.

The first type of waste is known as transuranic or TRU waste. According to SNL there is an estimated 73 cubic yards or roughly 200-250, 55-gallon drums-worth of TRU waste buried in the dump. Federal law requires specific treatment of TRU waste. Because of its long half life TRU waste is dangerous for thousands of generations, so it must remain isolated to prevent any risks to human health and the environment. Under federal regulations TRU waste must be stored in a deep geologic repository, such as the Waste Isolation Pilot Plant (WIPP), which is to prevent the

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escape of radionuclides from TRU waste for 10,000 years.

A second type of radioactive waste buried at the dump known as “greater than Class C waste,” also prohibited by federal law to remain in shallow burial, will be abandoned at the dump. Additionally, the lawsuit challenges the Secretary’s decision to place a layer of dirt over the dump as the dirt will do nothing to prevent hazardous chemicals from being released into the air.

“Interestingly, the Secretary’s Final Order to leave the waste covered with a few feet of dirt in shallow burial does not address the TRU waste or the ‘greater than Class C waste’ buried in the dump,” said Sue Dayton, Director for *Citizen Action*. “The Mixed Waste Landfill is a dangerous dump where both radioactive and other hazardous wastes were haphazardly disposed of for a period of almost 30-years. It is not a properly engineered landfill nor was it built to accept such wastes. The plan approved by the NMED will *attempt* to prevent exposures to the public for a period of only 100 years – not 10,000 years.”

Dayton added that Secretary Curry’s decision does not reflect his commitment to clean up waste sites at Department of Energy facilities nor does it reflect his often publicly stated- position that he does not support the U.S. Department of Energy’s so-called “Accelerated Clean Up Program.”

“We are very disappointed with the Secretary’s decision, but we expect that the Court will require the NMED to comply with law,” Dayton said.

For more information contact *Citizen Action New Mexico*: (505) 262-1862 or visit the *Citizen Action* website at www.radfreenm.org.