STATE OF NEW MEXICO
SECRETARY OF THE ENVIRONMENT DEPARTMENT

IN THE MATTER OF THE RENEWED
HAZARDOUS WASTE FACILITY
PERMIT FOR THE WASTE ISOLATION
PILOT PLANT

HWB 10-26 (P)

COMMENTS ON HEARING OFFICER’S REPORT
SUBMITTED BY THE NEW MEXICO ENVIRONMENT DEPARTMENT

Preliminary statement

The following comment on the Hearing Officer’s Report and Draft Final Order
dated October 26, 2010 is submitted on behalf of the New Mexico Environment
Department (the “Department”).

Comment

The Department wishes to point out that the Recommendation and Conclusion at
page 30 of the Hearing Officer’s Report make reference to “Draft Permit as Changed,
filed as Exhibit 1 to the Stipulation on Permit Language, filed June 30, 2010” and to the
“Draft Permit.” The Department submits that these references should be corrected to
refer to the “Proposed Permit,” which is Exhibit 1 to the Department’s Statement of
Intent, filed July 16, 2010. The Proposed Permit includes changes from the Draft Permit
as Changed, reflecting the Department’s administrative actions on the Current Permit
dated July 2, 2010, and represents the version of the Permit that the Department
recommends for adoption. See Hearing Officer’s Report ¶ 16. Since the Hearing
Officer’s Report refers numerous times to the Proposed Permit (See Findings of Fact ¶
19, 20, 22, 24, 27, 41, 42, 43, 44, 46, 47, 48, 50; Conclusions of Law ¶ 3, 5, 6, 9, 12, 15,
16, 18), the Department respectfully suggests that the reference on page 30 to the Draft Permit as Changed is an inadvertence and should be revised to refer to the Proposed Permit.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT

Leslie Barnhart  
Assistant General Counsel  
New Mexico Environment Department  
P.O. Box 5469  
Santa Fe, NM 87502  
(505) 827-0293  
leslie.barnhart@state.nm.us

By: ______________________________ __  
Lindsay A. Lovejoy, Jr.  
3600 Cerrillos Rd. – The Lofts  
Unit No. 1001A  
Santa Fe, NM 87507  
(505) 983-1800  
lindsay@lindsaylovejoy.com
CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November, 2010, a copy of the foregoing Comments on Hearing Officer’s Report was sent by first class mail and electronic mail to:

Robert Stranahan
The Stranahan Firm LLC
1314 ½ Madrid Road
Santa Fe, NM 87505
Rstranahan1@me.com

George Hellstrom
Legal Counsel
U.S. Department of Energy
Carlsbad Field Office
P.O. Box 3090
Carlsbad, NM 88221
George.Hellstrom@wipp.ws

Dennis N. Cook
Associate General Counsel
Washington TRU Solutions LLC
4021 National Parks Highway
P.O. Box 2078, GSA-202
Carlsbad, NM 88221
dennis.cook@wipp.ws

Michael L. Woodward
Hance Scarborough, LLP
111 Congress Ave., Suite 500
Austin, TX 78701
woodward@hslawmail.com

J. D. Head
Fritz, Byrne, Head and Harrison. PLLC
98 San Jacinto Boulevard
Suite 2000
Austin, TX 78701-4288
jdhead@fbhh.com

Joni Arends, Executive Director
Concerned Citizens for Nuclear Safety
107 Cienega St.
Santa Fe, NM 87501
jarends@nuclearactive.org

Janet Greenwald
Citizens for Alternatives to Radioactive Dumping
144 Harvard S.E.
Albuquerque, NM 87106
contactus@cardnm.org

Don Hancock
Southwest Research and Information Center
P.O. Box 4524
Albuquerque, NM 87196-4524
sricdon@earthlink.net

Scott Kovac, Operations and Research Director
Nuclear Watch New Mexico
551 Cordova Rd. #808
Santa Fe, NM 87501
scott@nukewatch.org

Marian Naranjo, Executive Director
Honor Our Pueblo Existence
Rt. 5, Box 474
Espanola, NM 87532
mariann2@windstream.net

Sherry M. Keeney
President/CEO
PECOS Management Services, Inc.
P.O. Box 13343
Albuquerque, NM 87192
skeeney@pecosmanagement.com

By: 
Lindsay A. Lovejoy, Jr.