

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

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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
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