



Gary Johnson
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-2850

Benito
Mark E. Weidler
Secretary

January 18, 1995

Mr. Dennis Hurtt, Manager
Intergovernmental and External Affairs
U.S. DOE Carlsbad Area Office
P.O. Box 3090
Carlsbad, NM 88221-3090

Dear Mr. Hurtt:

RE: NMED Comments on Carlsbad Area Office Stakeholder Outreach
Strategic Plan, December 1994

Thank you for the opportunity to review the Stakeholder Outreach
Strategic Plan. NMED's comments are as follows:

- (Page 5, Regulators;) Compared to the declarative statements in the subsequent sections, using the imperative language "must" in this section may lead to the erroneous conclusion that regulators are compelled to act in the manner described. Suggested language to rewrite these sentences are:
"EPA certifies whether WIPP complies..."
"NMED issues a hazardous waste permit for disposal..."
"NRC approves..."
These changes would make the sentence structures more parallel with subsequent sections.
- (Page 5, Key Officials;) The statement concerning who issues and advises on the permit is incorrect. The New Mexico Environment Department issues hazardous waste permits pursuant to the New Mexico Hazardous Waste Act, not RCRA. Further, NMED receives legal advice from its own independent legal counsel. The state Attorney General has no responsibility for issuance or providing advice on the hazardous waste permit. The Attorney General's office may comment on the draft permit during the public comment period, but these comments carry no more authority or weight than those of any other stakeholder. This statement would be more accurate if you deleted the reference to the Attorney General, and substituted the words "hazardous waste" for RCRA.

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If you have any further questions on this issue, please contact Mr. Steve Zappe of my staff at (505) 827-4308.

Sincerely,

A handwritten signature in cursive script, appearing to read "Benito J. Garcia". The signature is written in dark ink and is positioned above the typed name.

Benito J. Garcia
Chief, Hazardous and Radioactive Materials Bureau