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Subject: Conflict of Interest MWLF

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WILLIAM MOATS, NMED GEOLOGIST— APPEARANCE OF CONFLICT OF INTEREST
THE SIGNERS WANT THE FOLLOWING ALLEGATIONS PLACED IN THE ADMINISTRATIVE RECORD

THE PLACEMENT OF THE NEW MEXICO ENVIRONMENT DEPARTMENT (NMED) GEOLOGIST WILLIAM MOATS, AS CONTACT PERSON FOR THE SANDIA LABS' MIXED WASTE LANDFILL (MWL) LONG-TERM MONITORING AND MAINTENANCE PLAN (LTMMMP) SHOULD BE NULLIFIED. THE WIFE OF MR. MOATS IS ON THE PAYROLL OF SANDIA LABS. THIS GIVES THE APPEARANCE OF A CONFLICT OF INTEREST FOR MR. MOATS WHOSE WIFE IS SUBJECT TO DISMISSAL FOR ANY REASON BY SANDIA LABS.

DECISIONS THAT HAVE FAVORED SANDIA LABS' POSITIONS BY MR. MOATS INCLUDE:

1) THE EXTENSION OF THE 5 YEAR REVIEW REQUIREMENT OF THE 2005 FINAL ORDER FOR THE FEASIBILITY OF EXCAVATION OF THE MWL AND

2) HIS PLACEMENT OF THE EXTENSION INTO LTMMMP.

THE FOLLOWING EVIDENCE GIVES THE APPEARANCE OF COMPLICITY FAVORABLE TO SL:

3) PRIOR TO THE LTMMMP, MR. MOATS WAS GIVEN DETAILED DOCUMENTATION ABOUT THE IMPROPER PLACEMENT OF THE MONITORING WELLS, THE USE OF CORRODED WELL SCREENS AND THE USE OF BENTONITE CLAY THAT ABSORBS CONTAMINANTS.

4) MR. MOATS RESPONDED BY ISSUING A 2006 DOCUMENT THAT IGNORED THE LACK OF RELIABLE GROUND WATER MONITORING DATA. MR. MOATS REFUSED TO SUBMIT HIS REPORT FOR PEER REVIEW STATUS OR CHANGE ANY OF ITS CONCLUSIONS ALTHOUGH HE KNEW FROM PRIOR EPA LABORATORY DOCUMENTS THAT HIS STATISTICAL METHODOLOGY FOR ANALYSIS WAS INVALID.

5) MR. MOATS WAS INFORMED BY REGION 6 EPA TECHNICAL STAFF IN OR ABOUT 2007 THAT UNRELIABLE MONITORING WELLS WERE IN PLACE AT THE MWL. MR. MOATS WAS WELL AWARE OF THE DEFECTIVE MONITORING WELLS AS THE AUTHOR OF HIS EARLIER 1993 PAPER AND NOTICES OF DEFICIENCY ISSUED IN 1997 AND 1998. DURING PUBLIC HEARINGS ON THE MATTER IN 2004 AND THEREAFTER IN WRITING RESPONSES TO PUBLIC COMMENTS, MR. MOATS REFUSED TO PROVIDE ANY OF HIS OWN KNOWLEDGE ABOUT THE DEFECTIVE GROUNDWATER MONITORING TO THE PUBLIC OR THE ADMINISTRATIVE HEARING OFFICER.

6) MR. MOATS WROTE A REPORT FOR NMED IN 2006 AND THEN USED HIS OWN REPORT TO SWEEP ASIDE PUBLIC CONCERNS THAT HE KNEW WERE VALID REGARDING DEFECTIVE GROUNDWATER MONITORING AT THE MWL. MR. MOATS' REPORT LACKED PEER REVIEW AND WAS NOT PRESENTED TO THE PUBLIC PRIOR TO ITS ISSUANCE AS IS NECESSARY UNDER THE 2005 FINAL ORDER FOR MAJOR DOCUMENTS.

7) MR. MOAT'S EARLIER REPORTS FOR THE MWL WRITTEN IN THE 1990s ARE DIRECTLY CONTRARY TO HIS 2004 AND 2006 OPINIONS AND IN HIS WRITINGS THEREAFTER.

8) MR. MOATS SUMMARILY DISMISSED REGISTERED GEOLOGIST ROBERT GILKESON'S DOCUMENTED CONCERNS FOR THE MWL EVEN THOUGH HE KNEW FROM COMMUNICATION WITH EPA REGION 6 STAFF THAT THOSE CONCERNS WERE VALID. MR. MOATS DID NOT REQUIRE THE WRITTEN RECORD FOR THE MWL GROUNDWATER MONITORING NETWORK TO BE CORRECTED BY SANDIA LABS AT ANY TIME THEREAFTER, INCLUDING INFORMATION IN THE SANDIA ANNUAL GROUNDWATER MONITORING REPORTS.

AS CONTACT PERSON FOR THE LTMMP, MR. MOATS APPEARS TO BE IN AN INFLUENTIAL OR DECISION MAKING POSITION AS TO WHETHER A FULL-SCALE EVIDENTIARY PUBLIC HEARING SHOULD BE ALLOWED FOR THE LTMMP OR NOT. HIS PAST RENDERINGS ARE AN INDICATION OF A FUTURE DECISION THAT MAY CONTAIN BIAS FOR SANDIA LABS. THE PUBLIC CANNOT EXPECT THAT THEIR REQUEST FOR A PUBLIC HEARING WILL BE A FAIRLY AND IMPARTIALLY DECIDED IF MR. MOATS IS INVOLVED IN THAT DECISION.

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