

NEW MEXICO ENVIRONMENT DEPARTMENT
BEFORE THE SECRETARY OF THE ENVIRONMENT



IN THE MATTER OF THE APPLICATION OF)
WASTE CONTROL SPECIALISTS LLC FOR)
A GROUNDWATER DISCHARGE PERMIT)
(DP-1817) FOR THE WASTE CONTROL)
SPECIALISTS LLC FACILITY)

GWB-18-11(P)

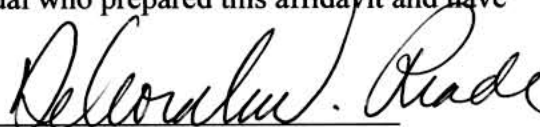
Affidavit of Deborah W. Reade

STATE OF NEW MEXICO)
)
COUNTY OF SANTA FE)

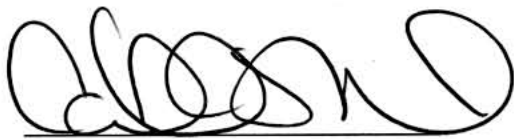
1. On or about 9/13/17 and 10/25/17 I reviewed what I believed was the Administrative Record and Index for the Waste Control Specialists (WCS) proposed Discharge Permit DP-1817 at the Ground Water Quality Bureau (GWQB) office in Santa Fe. I had requested to review the Administrative Record and signed an IPRA request that I believed was a request to view the Record. Email correspondence to set up my review referred to what I would be reviewing as the Record.
2. Over the course of these two visits, I spent approximately 14 hours reviewing the files.
3. At the time of these reviews, I was given physical documents of what I understood to be the Administrative Record and a PDF of over 3000 pages on CD that included the Index and all indexed documents up through February 16, 2017. I was told that this pdf file was the Administrative Record and Index that had been provided during the Water Quality Control Commission proceeding between the New Mexico Environment Department (the "Department") and WCS (WQCC 17-01A). This proceeding had to do with WCS's attempt to withdraw their permit application for DP-1817. The printed documents I was provided also included many documents dated after February 16, 2017 that had not yet been indexed.
4. The Index to the Record provided to me at that time included 138 entries from 5/4/05 through 2/16/17. It had litigation number WQCC 17-01 (A) ("original" Index).
5. However, printed copies of indexed documents from 5/4/05 through 8/28/12 were not provided to me as part of the record and therefore I did not review them at the time of my visits.
6. During my review of the Record and original Index, I found quite a few items that were either in the Index but not in the provided Record documents or in the documents but not reflected in the Index. Some years also had entries that were quite out of order.
7. These same missing items—everything before 10/17/12 (58 entries) have been removed from the current Index ("revised" Index) and current Record ("revised" Record) that have been revised for the Hearing on October 2, 2018. Fifty two additional entries dated between 10/17/12 and 2/16/17 have also been removed. Bates numbers have been changed as well.
8. During my review of the physical record provided to me in Sept. and Oct. 2017, I also noted down over 200 items dated between 2/16/17 and my review on 10/25/17 that had not been

- indexed and therefore did not appear to be part of the Record for anyone reviewing the original Index only.
9. Despite these additional 200 items that I noted in October 2107, and further documents that came in at later dates through August 2, 2018, some of which were added to the revised index, the index posted online on August 8, 2018 actually shrank from 138 entries to 82.
 10. The Department did not issue a notice of these changes or an explanation as to why the Index was so reduced despite having added some items.
 11. On August 8, 2018 Steve Pullen, project manager for DP-1817, informed me via email that the English version of the Index was available online, and I downloaded a copy. I didn't immediately look at it closely, however, because though I expected there would have been some additions, I thought I already knew what was in it. However, this early August 8, 2018 first revision of the Index was missing all the entries before 10/17/12, the 52 later dated items, and included 82 entries total, ending on June 4, 2018. Over 3/4 of the entries in original Index and Record had been removed.
 12. On September 13, 2018, I again downloaded a copy of the posted Index. This later, second revised Index still did not include any of the 110 removed items, but now had an additional entry on 7/13/2018 and included 75 separate entries (almost half of the 158 Index entries in this second revision) that were different parts of WCS's 2007 *Application for License to Authorize Near-Surface Land Disposal of Low-Level Radioactive Waste*.
 13. As of September 13, 2018, the July 13, 2018 addition to the Index does not appear actually to be in the online Administrative Record.
 14. The Spanish translation of the Index which was posted online sometime between September 5, 2018 and September 7, 2018 is a translation of the second revised index and contains 158 entries
 15. The GWQB did not provide any information that the August 8, 2018 version of the Index and Record were different from the original Index and Record or that the Index had also been changed and updated sometime after August 8, 2018
 16. The GWQB did not inform the general public or the Spanish speaking public that any of these documents were available online. Only a small, selected number of people were informed via email when the English Index and Record were posted on August 8, 2018. To my knowledge, no one was informed when the Spanish translation of the Index was posted.

I, Deborah Reade certify that I am the individual who prepared this affidavit and have personal knowledge of all the facts contained therein.


 Deborah W. Reade

SUBSCRIBED AND SWORN to before me this 17th day of September 2018.


 Notary Public

My commission expires: 08-10-20

