



# At a Glance

*Catalyst for Improving the Environment*

## Why We Did This Review

The Office of Inspector General received a hotline complaint from Citizen Action New Mexico (CANM) alleging that the New Mexico Environment Department (NMED) mismanaged the Sandia National Laboratory's Mixed Waste Landfill (MWL) monitoring wells. We sought to determine if the allegation had merit by reviewing U.S. Environmental Protection Agency (EPA) Region 6's oversight activities.

## Background

The Resource Conservation and Recovery Act requires EPA Region 6 to provide oversight to delegated sites. EPA's Public Involvement Policy encourages EPA staff and managers to ensure that decision-making processes are open and accessible.

**For further information, contact our Office of Congressional, Public Affairs and Management at (202) 566-2391.**

**To view the full report, click on the following link:**  
[www.epa.gov/oig/reports/2010/20100414-10-P-0100.pdf](http://www.epa.gov/oig/reports/2010/20100414-10-P-0100.pdf)

## ***Region 6 Needs to Improve Oversight Practices***

### **What We Found**

Region 6's documentation of its oversight was not sufficient to determine whether CANM's allegations had merit or whether NMED's actions and decisions with regard to the MWL monitoring wells were technically sound. Specifically, Region 6 staff (1) took inappropriate steps to keep the details of the MWL monitoring wells assessment from the public, (2) decided not to provide documentation or sometimes not to document their concerns about the MWL monitoring wells, (3) provided a letter to CANM that did not note the specific details of the assessment, or (4) improperly placed a national security marking (Confidential) on the assessment. The Region's actions are a violation of EPA's Public Involvement Policy and EPA's Records Management Policy.

### **What We Recommend**

We recommend that the Regional Administrator, Region 6, comply with EPA's national security, public involvement, and records management policies, including removing the national security marking from the December 2007 Oversight Review. As part of this recommendation, the Regional Administrator should ensure that the opinions of technical and nontechnical staff are documented to support EPA's oversight decisions, and develop or update oversight standard operating procedures to ensure compliance with these policies. We also recommend that the Regional Administrator evaluate the extent to which the Region has not recorded oversight information, or misclassified information, to determine the scope of administrative action or training necessary to remedy the situation.

Region 6 comments were not responsive. Region 6 disagreed with the report's conclusion and recommendations, stating that information was not withheld from the public. However, the Region also stated that the information was exempt from release under the Freedom of Information Act. Region 6 also denied violating national security, public involvement, and records management policies. Region 6 stated that marking documents "confidential" is a common practice "throughout the agency" for many (unclassified) documents. The recommendations are unresolved. Region 6 requested resolution be elevated in accordance with EPA's Audit Management Process.