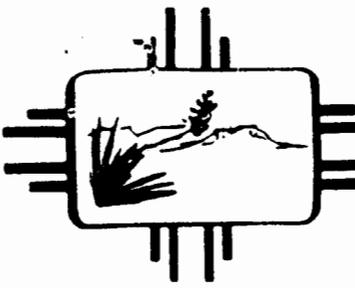


FAXed: 7-26-89



New Mexico Health and Environment Department

MARALYN BUDKE  
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Deputy Secretary  
RICHARD MITZELFELT  
Director

July 26, 1989

Congressman Bill Richardson  
332 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Richardson:

This letter concerns your proposed amendment to the Department of Defense Authorization Bill regarding a moratorium on the incineration of radioactive waste at Los Alamos National Laboratory. My comments below are in response to questions raised by the memorandum I sent to your office yesterday, July 25, 1989, regarding the proposed amendment.

The Environmental Improvement Division's priorities in developing new regulations for incineration have been set primarily by citizens and our state legislature reacting to new or proposed facilities in the state. In the spring of 1988, public concern was focused on a proposed municipal waste incinerator at Los Alamos. This concern resulted in our state moratorium bill on incineration. Although this bill covers other classes of incineration besides municipal waste, its primary focus was on municipal waste and we have put our efforts into this area first. We have also begun to address the incineration of medical waste at this time primarily because of a large uncontrolled facility in the southern part of the state. We do not have the staff to concurrently address radioactive waste along with these other categories. We would consider the assistance of a third party in developing such regulations if funding were available.

There are a number of reasons why our interest in incineration of radioactive waste was not expressed as strongly in the past as it is today. The Los Alamos incinerator is to our knowledge the only unit in the state conducting this activity. In the past, this facility was represented as a research unit. Today, it will be used on a larger scale as an integral part of the Laboratory's waste management effort. Potential impacts to human health are therefore much greater. In addition, most of our citizens only became aware of this facility recently and public concern has been very high.

We are confident the state has adequate statutory authority to address the incineration of radioactive waste. Under the New Mexico Air Quality Control Act, "radioactive material" is listed as a substance for which the New Mexico Environmental Board clearly has the right to control through the adoption of regulations. In addition, the state legislature has further directed the EID



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to develop new regulations with stringent emission limitations for all classes of incineration. This language is within the recently enacted H.B. 59 which is a state bill addressing incineration. Although EPA has not yet delegated authority for mixed waste under the Resource Conservation and Recovery Act to the state, we do not believe this in any way precludes the development of new air quality regulations for this type of waste.

I hope this answers your recent questions. Please contact me again if additional concerns arise.

Sincerely,

  
Richard Mitzelfelt  
Director

RM:BB:cg

cc: Max Best, Governor's Office  
Michael J. Burkhardt, Deputy Secretary, HED  
Boyd Hamilton, Hazardous Waste Bureau ✓