



New Mexico Health and Environment Department

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Director

August 16, 1989

The Honorable Jeff Bingaman
U.S. Senator
Hart Building, Room 502
Washington, D.C. 20510

Dear Senator Bingaman:

I am writing to ask your support for an amendment to the Department of Defense authorization bill regarding the incineration of radioactive waste at Los Alamos National Laboratory. This amendment was offered by Congressman Bill Richardson, and it was passed by the House of Representatives on July 27, 1989. The amendment would prohibit the incineration of radioactive waste until new regulations controlling this activity are adopted by the New Mexico Environmental Improvement Board. As described below, I feel the amendment would benefit the citizens of our state, and I hope you will support it in the Senate.

As you may know, the incineration of municipal and industrial waste as a disposal option has become a national issue. Here in New Mexico, we have responded to planned municipal and medical waste incinerators by drafting new air quality regulations. We are confident these regulations will be in effect long before the U.S. EPA revises or adopts new air quality requirements for these source categories. I would like to note here that the New Mexico Air Quality Bureau receives no funding from the U.S. EPA to develop incineration regulations.

However, there is another category of waste incineration which we have not yet begun writing new requirements, and that is radioactive waste. We simply do not have the manpower to develop new regulations at this time for radioactive waste incineration. At the same time, the Los Alamos National Laboratory has an existing incinerator in which radioactive waste will be burned as part of the Laboratory's overall waste management plan. Under the permit requirements of the Resource Conservation and Recovery Act which apply to this incinerator, the Division may only consider chemical waste which is burned in the incinerator and not radioactive waste. Most of our citizens who have expressed a concern regarding this facility have been primarily concerned with the radioactive component of the waste. At this time, the State does not have a regulation governing the air emissions from this type of activity.

I believe it would be in the best interest of our citizens and the Laboratory to cease the incineration of radioactive materials until the Division can guarantee the safety of this operation. This can be accomplished by adopting new air quality regulations in a public hearing where potential health impacts can be discussed. The public is not going to accept waste incineration in general, and



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this facility in particular, unless we demonstrate public health is not at risk and the State has enforceable regulations which ensure this activity will always remain safe.

Your support for this amendment during Senate deliberations on this bill would be greatly appreciated. We would support additional language in the amendment requiring new regulations to be developed and adopted within a period of one year. Thank you for your consideration of this matter.

Sincerely

A handwritten signature in cursive script, appearing to read "Richard Mitzelfelt".

Richard Mitzelfelt
Director

RM:BB:cj