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**By KRISTEN DAVENPORT**  
The New Mexican

**C**APROCK — 80-year-old Bill Kolb and his newly wedded wife, Ada Lee Kolb, also 80, are one of only a handful of families who live here under a constant sunny glare in the shrubby mesquite plains of southeastern New Mexico — about as middle-of-nowhere as you can get.

Slightly more than two miles from their front doorstep is the basin where two southeastern New Mexico oil and ranching families want to build a hazardous-waste dump — the first of its kind in the state. The site, called Triassic Park for the Triassic-era clay that lines the basin, would accept half a million cubic yards a year of 491 hazardous materials such as arsenic, lead, mercury or pesticide residue.

Ada Kolb said she “hasn’t had a single allergy spell” since moving out last year

onto the arid Caprock, the name also given to a nearby cliff and the surrounding area. But she is worried the new dump will pollute the air.

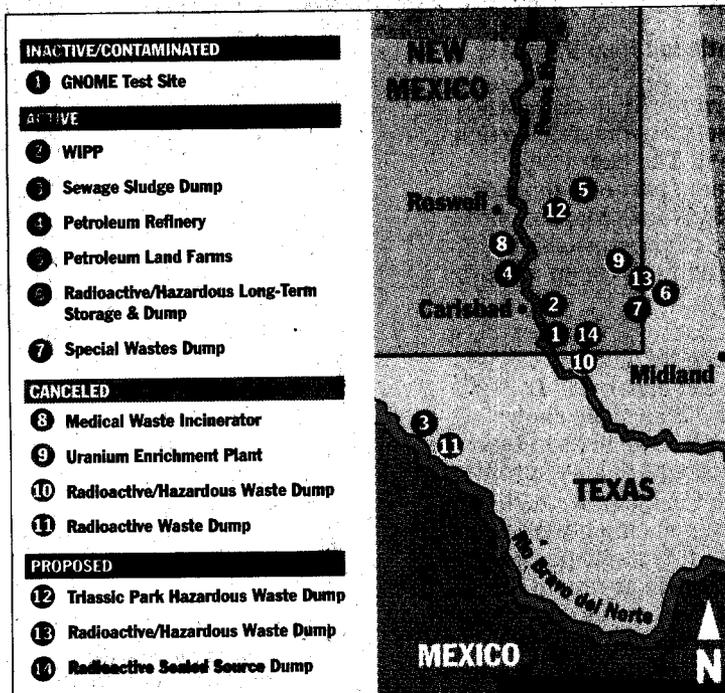
Her husband — who has been a TV tower watchman on the Caprock for almost 40 years — isn’t as worried about the dump after talking to one of the men working to open the hazardous-waste facility.

“I want to be fair to everyone,” Kolb said. “I think they’re going to put in a safe facility. I just wish it was further away.”

The Gandy and Marley families say they didn’t expect quite as much opposition as they’ve encountered since they proposed opening New Mexico’s first hazardous-waste dump out in the desert between Tatum and Roswell.

In response to the proposed dump, which has received preliminary approval from the state Environment Department, Victor Blair of Roswell has started an

Please see **WASTE**, Page A-8



Source: Deborah Reade/Water Information Network Robert Martinez/The New Mexican

Continued from Page A-1

environmental group in southeastern New Mexico called Conservative Use of Resources and Environment (CURE), which Blair says will fight not only Triassic Park but any hazardous facility in southeastern New Mexico.

But the real question, say Santa Fe-area environmentalists, is whether this proposed dump is the first trickle in what could become an endless flood of contaminated junk — from radioactive waste to hazardous chemicals — that could be entering the state. Activists say the Waste Isolation Pilot Plant near Carlsbad, which began accepting low-level nuclear-weapons waste in 1999 after nearly two decades of planning, may be just the beginning.

Only two years after WIPP opened, they point out, the first proposal has arrived for another toxic-disposal site.

“There are several (radioactive and hazardous) dumps proposed for the state that aren’t even on the drawing board yet,” said Don Hancock of Southwest Research and Information Center, an Albuquerque anti-nuclear group.

“It’s because WIPP is here. It gives the government and corporate folks that idea, ‘Well if you can put the world’s first nuclear dump in New Mexico, you must be able to do virtually anything there.’”

Before WIPP, he said, “we didn’t show up on anyone’s radar.”

That’s changing. For example:

■ Last summer, a private corporation asked the Department of Energy whether it could open a radioactive dump near WIPP for “sealed sources,” radioactive machines used to calibrate instruments that measure cancer-causing radiation. The group has not offered an official proposal yet, but sources say it still plans to move forward with the new radioactive dump in southeastern New Mexico just a few miles from WIPP.

■ The Department of Energy is considering a radioactive-waste dump near Eunice, where the federal government could send low-level radioactive waste from the Savannah River nuclear plant in South Carolina.

■ Just over the border in Texas, at least two proposed radioactive-waste sites are in the works — one near Andrews and one farther south.

■ The attorney general’s office is even worried that Yucca Mountain, a high-level radioactive dump, could end up in New Mexico if its Nevada location gets a thumbs-down from the federal government.

Currently, the Department of Energy is proposing that a dump for the nation’s very hot waste — high-level radioactive waste — be sent to a disposal area called Yucca Mountain at the Nevada Test Site. However, Nevada is almost unified in its opposition to the plan and it’s not clear the site will open. The DOE secretary and possibly Congress are expected to make a decision on the proposal within the next year or two.

Many officials say the next choice would be New Mexico because WIPP already has some infrastructure in place to handle the nation’s hottest nuclear waste.

In February, Attorney General Patricia Madrid sent a letter to Sen. Pete Domenici, R-N.M., reminding him of a promise he made nearly 20 years ago to never allow high-level waste at WIPP.

Rick Jacobi, an independent consultant in Texas who works with companies that want to open radioactive dumps, says there is going to be a tremendous market for radioactive dumps by the end of the decade.

Besides WIPP, which accepts only low-level radioactive and mixed waste associated with the nation’s nuclear-weapons program, there are only two or three disposal areas in the country for radioactive waste.

By 2008, Jacobi said, the last of those that accept radioactive waste from across the country will close, leaving the nation without any disposal area.

“Believe me, there’s a (radioactive) waste-disposal crisis looming in this country,” Jacobi said.

There are several companies that are pursuing radioactive-waste permits, he said. Two of the largest are in Texas: Waste Control Specialists has a radioactive storage site (but no permanent disposal permit) just over the Texas border from the proposed Triassic Park area, Enviro-Care, another Texas company that runs a limited radioactive-waste dump in Utah, also is working to build radioactive dumps in the West.

“It’s a very risky business,” Jacobi said. “It can be extremely profitable, but you can invest tens of millions of dollars and not get any return.”

And, he said, it’s not clear what state in the end will appear most hospitable for those companies looking for sites for radioactive dumps. “Right now, I don’t think New

Mexico is more likely than any other place in the United States,” he said.

### Isolation: a deterrent or a lure?

Some experts say New Mexico is less likely to become the nation’s radioactive or chemical dumping ground because it’s so isolated — far from most of the major industrial and defense-related sources of waste (with the exception of Los Alamos National Laboratory and Sandia National Laboratories).

But others say the state’s isolation — and its poverty — are precisely what big companies are looking for. Bill Weida, an economist with Colorado College and a board member of the Santa Fe nuclear watchdog Los Alamos Study Group, says New Mexico’s isolation also can make it more attractive. Regions with few people and little industry are often impoverished and are therefore more likely to believe a waste-disposal area could bring jobs and economic activity to the area. Triassic Park, for instance, promises 30 to 35 jobs.

In March, Weida wrote a paper titled “Pollution Shopping in Rural America.” He found that communities often do themselves harm when they encourage industry such as factory farms and dumps because they inhibit future economic development. If the river is polluted, who wants to move their kids there?

But Steve Gilrein, a hazardous-waste specialist with the Environmental Protection Agency in Dallas, pointed out that New Mexico is not producing much hazardous waste, nor is it attracting many companies — at least so far — that want to build hazardous-waste dumps.

Except for radioactive waste, New Mexico is still one of the cleanest states for almost all other toxic-waste categories. The state generates less than 240,000 tons of hazardous waste annually, compared with Texas, which produces 50 million tons.

And New Mexico only buries about two tons of hazardous waste a year, while Texas buries nearly 6 million tons.

## Different dumps

There is a difference between a radioactive dump, such as WIPP, a hazardous-waste dump, such as the proposed Triassic Park, and regular regional landfills.

Any disposal site that would accept radioactive waste, either from nuclear-weapons work or private industry, is regulated by the federal government: Only the Nuclear Regulatory Commission can permit a radioactive dump.

But the regulation of hazardous waste — widely defined as hazardous chemicals ranging from battery acid to household cleaners to dioxins — is left up to the states. However, states must follow national guidelines contained in the Resource Conservation and Recovery Act when giving permits to hazardous-waste dumps.

In New Mexico, only regional landfills (the place you take your old mattresses and junk from the yard) are governed by the Solid Waste Act.

There are 1,900 hazardous waste dumps across the country. The leading states are Texas, Utah, Alabama and Wyoming.

"I can certainly understand what people are concerned about," Gilrein said. "But New Mexico just is not considered a big player (in hazardous waste)."

However, since WIPP, there is little doubt it is considered a big player in radioactive waste. The state is one of the worst for both generating and disposing of radioactive contamination, although several states score higher in each category.

## Looking for acceptance

Community acceptance is the determining factor for companies deciding where to locate radioactive- and hazardous-waste dumps, Gilrein said.

"That really is the single thing

that impacts the decision more than anything else — community support or lack thereof," he said.

But companies also consider other factors, such as the geology of the region. And that is where New Mexico starts looking pretty to companies searching a site for a waste dump.

"The groundwater is deep, there's not much precipitation, and it's a rural area with no one around so you're minimizing exposure," said Rich Mayer, an environmental engineer with the Environmental Protection Agency. "When you take that into consideration, it could be a really good spot for (radioactive) dumps."

For now, the Triassic Park proposal is the only application for a hazardous dump before the state Environment Department. No official applications have been filed on the state or federal level for radioactive dumps in New Mexico.

And Ada Kolb admits that if Gandy Marley, Inc., wants to open a hazardous dump in New Mexico, at least there aren't many people around at Caprock. It's a five-mile drive to her nearest neighbor.

"I guess if they have to disturb someone, it's the right place," Ada Kolb said. "I just hope it doesn't ruin my good air."

However, the Kolbs say, many ranchers in the area are angry about Triassic Park. "They're fearful," Bill Kolb said.

The few ranching families around Caprock used to have their own gas station and post office, but both closed more than a decade ago. The air smells faintly of oil and buzzards circle off the cliff for which Caprock was named. The closest gas station to the proposed Triassic Park facility is in Tatum, a community of about 1,000 people nearly 30 miles away. Its only grocery store burned down earlier this year.

Fewer than 15 families live within a 10-mile radius of the proposed Triassic Park. The site is so isolated, and water so scarce, that Gandy Marley, Inc., says water will have to be shipped in from miles away. The company plans to use up to 50,000 gallons of water a day to keep down dust (and keep contaminants from going airborne). Six to

eight trucks a day will rumble over those country roads just to bring water. According to the application, another five or six trucks a day will arrive with contaminated waste to be buried or put into evaporation ponds.

The area is already far from pristine. Surrounding the site where Gandy Marley, Inc., wants to put Triassic Park are miles of oilfields, with grasshopper-style drills pulling up crude oil from 5,000 feet below ground.

But despite the isolation, many residents in the area — and in Roswell, 40 miles to the west — say they will fight Triassic Park.

Dale Gandy, spokesman for the Gandy and Marley families, was not available for an interview. However, family representatives have said at public meetings that their intention is to run a clean site that will not pose a hazard to workers or families in the vicinity. Both families are from the area: The Marleys run ranches and ranch-related stores in Roswell and the surrounding area; the Gandy family has largely worked in the oil business.

The company has hired attorney Pete Domenici Jr., son of New Mexico's longtime Republican senator, to represent its interests surrounding Triassic Park.

Victor Blair, who bought property near the Triassic Park disposal area just before plans for the dump were announced, said he hopes the activists can convince the state government it's not the right place. Blair, along with some Santa Fe activists, are worried that Gandy Marley, Inc., ultimately plans to sell its disposal area to Waste Control Specialists, which has openly been pursuing radioactive-dumping permits in Texas. Blair and others are worried they would try to turn Triassic Park into another radioactive dump, as well.

"The hazardous-waste industry is crowded and competitive," Blair said, whereas radioactive waste can be far more lucrative if a company can get a permit.

And opponents might have difficulty stopping a dump under New Mexico law when a company satisfies all technical requirements. Steve Pullen, who is working on the Triassic Park proposal for the state Environment Department, says "we have no choice in this office but to draft a permit and send it to the secretary (of environment, Pete Maggiore) for approval."

"Political considerations are out of my hands," Pullen said.

Activists trying to stop Triassic Park say they hope to come up with enough technical objections to the hazardous-waste facility to make Maggiore or Gov. Gary Johnson write it off.

But Pullen said Gandy Marley, Inc., has so far met all necessary regulations and standards. And, he said, he has a "clear conscience" drafting the permit because the regulations are extremely protective of public health. For example, he said, all hazardous materials have to be treated as much as technology permits before going into the Triassic dump.

As for New Mexico's "wasteplex," as some call it, Pullen said he's doubtful the state has a problem.

"I think it's more of a western issue than a New Mexico issue," he said. "I don't feel like New Mexico is getting particularly picked on right now."

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