



## **Governor opposes high-level waste in N.M.**

By Victoria Parker-Stevens/Current-Argus staff writer

CARLSBAD — Gov. Bill Richardson hopes the Legislature will join in his efforts to keep high-level nuclear waste out of New Mexico.

On Friday, a bill prohibiting the disposal of high-level waste or spent nuclear fuel at the Waste Isolation Pilot Plant headed for the Senate floor.

"It's an opportunity for people all over the state to hear about and understand this issue, since (WIPP) waste takes a number of different routes through the state," said Jon Goldstein, state Environment Department spokesman.

If the bill were to pass, "it would show that the whole state is opposed to this," he added.

Richardson has accused the federal Energy Department of trying to sneak high-level waste into the state by having it reclassified through the courts and Congress.

The Energy Department has said the waste — largely in Washington state — should not be classified as "high level" because its radiation levels are the same as waste already at WIPP.

Sen. Carlos Cisneros, D-Questa, is carrying the bill for the governor, who is setting the agenda for the Legislature in this year's short session.

Cisneros is chairman of the Conservation Committee, the first committee to pass the bill.

"I really feel bad he felt the need to do that," said Sen. Don Kidd, R-Carlsbad, a member of the committee, adding he would help people "see the light" before it gets to the Senate floor.

Kidd was attending a different committee meeting at the time of the vote, he said, noting the tight 30-day legislative schedule.

After clearing the Conservation Committee, the Senate Public Affairs Committee passed the bill on Friday.

It's not the governor's first attempt to stop the waste from going to WIPP.



Last fall, Richardson directed the state to begin the process of changing WIPP's hazardous waste permit.

But the permit change "only indirectly addresses" keeping high-level waste out of New Mexico, according to an Environment Department analysis of the Senate bill.

Its focus is on the waste inventory the Energy Department reported when it applied for its state permit.

"That is meant to hold them to their promise to send what was in the inventory," Goldstein said. "This legislation would do the same thing through a different avenue."

Under the Senate bill, the state environment secretary could revoke WIPP's permit if high-level waste was sent in violation of the law — or any similar permit condition, rule or regulation — or if there was a threat to violate.

Kidd said he didn't think there was "any big movement" behind the bill and didn't think it would pass if "we can keep it from being a party-line thing."

The Conservation Committee is largely composed of Democrats, who tend to vote in line with environmentalists, Kidd said.

Last year, the committee killed a memorial requesting the Energy Department site a plutonium pit production facility at WIPP. A similar memorial passed the House.

No one is carrying a high-level waste bill through the House this year because the state "thought the Senate bill would be sufficient," Goldstein said.

"It's my understanding that federal law supercedes state law (in this matter)," Kidd said. "I think this is a shot across the bow."

In its bill analysis, the Environment Department notes state authority is a "major issue."

Under federal law, the state — through a permit — regulates hazardous materials in WIPP waste, like certain chemicals and metals, but not radioactive materials.

To support the Senate bill, the state cites a different federal law — the WIPP Land Withdrawal Act, which says no high-level waste can be sent to the site.

"Federal law can be, and has been, changed," Goldstein said of the need for a state law with the same provision.

Goldstein said the federal law also isn't clear about who enforces it, and that's where the state would like to step in.

"We believe that this clarifies our ability to enforce it," Goldstein said.

Cisneros did not respond to messages left at his Capitol office.

The high-level waste bill is SB259.