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Director

CARLA L. MUTH
Deputy Secretary

file copy

July 8, 1988

The Hon. Thomas A. Luken, Chairman
Subcommittee on Transportation
Tourism & Hazardous Materials
U.S. House of Representatives
H2-324 Rayburn House Office Building
Washington, D.C. 20515-6119

RE: HR 3781--DOE Waste Cleanup Act of 1987
HR 3782--The Swift "Special Environmental Counsel" Bill
HR 3783--The Wyden Federal Facilities Provisions
HR 3784--The Luken Bill to clarify regulation of "Mixed Waste"
HR 3785--The Eckart Bill clarifying the waiver of sovereign
immunity in the Solid Waste Disposal Act

Dear Mr. Luken:

The New Mexico Environmental Improvement Division strongly supports the referenced bills. Federal facilities in New Mexico generate a great deal of hazardous waste and require a substantial amount of regulatory oversight. In the past, this office has been involved in numerous enforcement actions against federal facilities. Although the State of New Mexico has jurisdiction to regulate hazardous waste generated at federal facilities within the state, our enforcement efforts have been hampered by the same type of objections that seem to have been raised against other states: claims of sovereign immunity, lack of funding, etc. Unfortunately, some of these claims have been upheld by the federal courts in similar enforcement actions brought by other states.

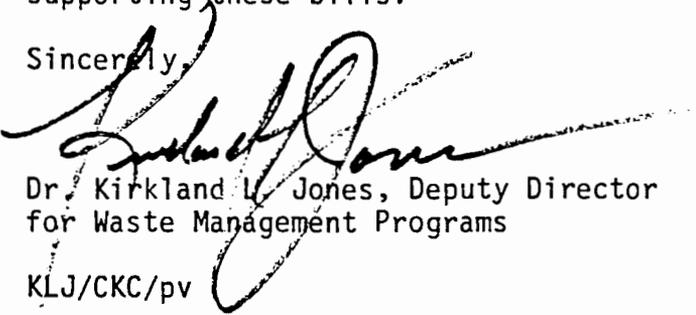
We believe that enforcement by the State, where there is an effective waiver of sovereign immunity, can provide necessary regulation of hazardous waste generated at federal facilities, and be consistent with the regulation of the disposal practices of industry generally. Therefore, we especially support HR 3785, which clarifies the sovereign immunity waiver in the Solid Waste Disposal Act.



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Please do not hesitate to call if I can be of any assistance in supporting these bills.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirkland L. Jones", written over a faint circular stamp.

Dr. Kirkland L. Jones, Deputy Director
for Waste Management Programs

KLJ/CKC/pv

cc: Senator Pete Domenici
Senator Jeff Bingaman
Hon. Bill Richardson
Hon. Manuel Lujan
Governor Carruthers
Ms. Carla Muth, Secretary, HED