

LETTER TO ESTABLISH
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Westinghouse
Electric Corporation

Government and Environmental
Services Company

Waste Isolation Division

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SEP 22 1997
SANTA FE, NEW MEXICO 88221

September 17, 1997

SEP 22 1997

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

SEP 1997

NM ENVIRONMENT DEPARTMENT
OFFICE OF THE SECRETARY

RECEIVED

Mr. Mark Weidler, Secretary
State of New Mexico
Environment Department
1190 St. Francis Drive
Santa Fe, NM 87502-0110

Subject: PROPOSED REVISIONS TO HAZARDOUS WASTE FEE REGULATIONS

The Westinghouse Waste Isolation Division (WID), managing and operating contractor at the Department of Energy's (DOE's) Waste Isolation Pilot Plant is in receipt of the New Mexico Environment Department's (NMED's) draft of a proposed Hazardous Waste Fee Regulation, 20 NMAC 4.2. The WID appreciates the opportunity to comment on this proposed fee regulation prior to NMED's presentation of this proposal to the Environmental Improvement Board (EIB). The WID is currently preparing detailed written comments, in conjunction with the DOE, on the proposed fee regulation for your review.

The WID recognizes NMED's needs for additional resources to serve the regulated community, however, we have serious concerns about the proposed fee regulation as it is currently drafted. As drafted, its impacts on both federal and private facilities would be severe, and could result in negative environmental and economic impacts to the state of New Mexico.

It was the consensus of the attendees of the NMED's September 9, 1997, informal fee regulation review meeting that NMED should establish a voluntary workgroup to expeditiously restructure the proposed fee regulation for presentation to the EIB. Its membership should include representatives from the various regulated communities, including generators, treatment, storage, and disposal facilities, affected federal agencies, industry, and the public. We believe that such a workgroup, similar to other NMED-chartered workgroups and task forces that advise the Department on other environmental regulatory issues, would be the most effective means by which to develop changes to the proposed free regulation that would be fair and workable for the regulated community and the public, and efficiently meet NMED's needs. We believe that this workgroup can be convened quickly to restructure the proposed fee regulation and create a proposal acceptable to all parties.

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We strongly recommend that you direct Dr. Dinwiddie to quickly convene a workgroup to meet during the week of October 1, 1997. There was a strong commitment among the meeting participants that if you authorize the workgroup to proceed on this fast track, a proposal acceptable to all parties could be presented to the EIB within two months.

The WID is committed to working with the NMED to address the need to revise the fee regulation and will continue to support NMED in this effort. Thank you for addressing concerns regarding this matter. Please have your staff contact me at (505) 234-8383 if you have any questions, or to complete arrangements for the initial meeting of the workgroup.

Sincerely,

A handwritten signature in cursive script that reads "Gloria J. Barnes".

G. J. Barnes
Senior Counsel

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