

ATTN: Steve Zappe  
From: Gtv

New Mexico balks at Flats waste

**Rocky Mountain News** *online* · News Archives

# New Mexico balks at Flats waste

Clock ticking louder as state agency holds up permit to allow transfer of waste to WIPP facility

**By Berny Morson**

*Rocky Mountain News Staff Writer*

A New Mexico agency refuses to issue a key permit to begin entombing nuclear waste from Rocky Flats under the desert in the state's southeast corner.

The New Mexico Environmental Department hasn't given its OK to bury Rocky Flats' low-level waste near Carlsbad, and won't say when it will.

Burying the Colorado waste in New Mexico's Waste Isolation Pilot Plan, or WIPP, is a key component of the \$7.5 billion plan to tear down the defunct nuclear weapons plant in Jefferson County.

The delay in winning the permit could make it difficult to hit the 2006 target date set by Energy Secretary Federico Peña to complete the clean-up.

Shipments must begin by May to WIPP, 26 miles east of Carlsbad, in order to meet the deadline, said Rocky Flats manager Jessie Roberson.

If they haven't begun by September, contingency plans call for construction of an interim facility to store the growing volume of waste, she said.

That building will cost an estimated \$20 million, reducing funds available for clean-up, according to Roberson.

The Department of Energy, which oversees Rocky Flats and the burial site, requested the permit nearly 2 1/2 years ago.

It's not clear when, or if, New Mexico's environmental department will clear the waste burial in time to meet Peña's ambitious schedule.

"We don't have a time frame and we don't have a deadline," said department spokesman Nathan Wade. "It will take as long as it takes."

Rocky Flats now stores the waste in about 6,000 drums, some of them stacked in hallways.

About half of the waste is items contaminated with traces of plutonium and industrial solvents, placing it under New Mexico jurisdiction. A New Mexico permit is not needed to ship items contaminated with plutonium alone.

The New Mexico hang-up came as a surprise to Lt. Gov. Gail Schoettler, Colorado's lead official on several environmental issues.

Post-It™ brand fax transmittal memo 7671	# of pages ▶ 2			
	To	From	Co.	Phone #
	Steve Zappe	Steve Zappe		
				Fax #



"All I've heard is that things are moving along just fine," she said. "We will work very closely with New Mexico to see that this thing stays on track."

U.S. Rep. David Skaggs, D-Colo., said he will make inquiries among his colleagues from New Mexico.

"I want WIPP open as soon as it can be open in full compliance with the law, assuming it can be open in full compliance," he said.

The delay comes as the Environmental Protection Agency completes its own study of the burial plan. That study is on track for a May opening, assuming the results are positive, said Larry Weinstock of the Radiological protection division.

Rocky Flats and WIPP officials thought the study was the last regulatory hurdle they faced, although environmentalists are expected to sue to stop the shipments.

Top officials of the New Mexico Environmental Department refused to discuss what's holding up the permit.

"We know if we do a sloppy job, we're not enforcing the regulations we're supposed to be and we are not helping solve Rocky Flats' problems," said Wade, the department's spokesman.

"If we issue a shoddy permit and it gets thrown out by the court, Rocky Flats is still going to have waste and we are back to square one."

Three full-time workers and five part-time workers have been assigned to the task, plus about a dozen private contractors, he said.

New Mexico state legislators say the lack of a target date for completion or an explanation angers them.

"To me, this has been a years and years and years process, and it's time to move on," said Rep. Jeannette Wallace, a Republican from Los Alamos.

Residents of her district would like to see nuclear material shipped to Carlsbad from the Los Alamos National Laboratory.

Rep. John Heaton, a Carlsbad Democrat, characterized the agency's answers to his inquiries as "ambiguous." One official told him in a letter that the permit is being delayed by all the people asking questions about it.

Heaton and U.S. Rep. Joe Skeen, R-N.M., have approached New Mexico Gov. Gary Johnson about the delay. The director of the environmental department, Mark Weidler, is appointed by the governor.

Heaton said Johnson supports WIPP, but is reluctant to interfere with a regulatory process.

Johnson could not be reached for comment.

Federal officials are wary of commenting publicly on New Mexico's internal affairs, although they privately voice frustration.