

Dede Feldman & Co.

Fax Cover Sheet

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## **Chair of Legislature's Radioactive and Hazardous Materials Committee Decries DOE's Push to Open WIPP without Required State Permit**

Sen. Dede Feldman (D-Bernalillo), Chair of the Interim Radioactive and Hazardous Materials Committee, said today that DOE's push to open the controversial Waste Isolation Pilot Project (WIPP) in Carlsbad without the required state permit is "outrageous."

Feldman was reacting to a statement of George Dials, the Department of Energy's WIPP program manager, who was reported to have said in a front-page *Albuquerque Journal* story Saturday Nov. 1, that the DOE is prepared to open WIPP and accept drums of radioactive waste as long as they contain no hazardous materials.

Feldman's committee is meeting today in Santa Fe in Room 307 of the state capitol, in a joint meeting with the state's Radioactive Waste Consultation Task Force. WIPP is on the agenda.

According to materials DOE submitted to the committee during the summer, regulators in the New Mexico Environment Department need to issue a Resource Conservation Recovery Act (RCRA) Part B Permit before WIPP can open. The permit governs "mixed" waste contaminated with both plutonium and hazardous materials like cleaning solvents and other chemicals.

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The WIPP permit issued recently by the EPA did not cover hazardous materials, because the state was regulating them.

"The fact that the NM Dept. of the Environment has not yet issued its permit, was a burr in the side of the DOE all summer," Feldman said. "The state Environment Department-- which has a fraction of the resources and personnel that the DOE possesses-- has been subject to incredible political pressure from the DOE to speed up their regulatory process."

Feldman said that Ed Kelly, director of the Environment Department's Water and Waste Management Division, which is handling the permit, testified before the committee on August 31, along with the DOE.

"It was apparent to me that the state regulatory process was being stampeded by the DOE," she said. "I'm not surprised that now that the DOE hasn't immediately gotten its way, it wants to step on the state-- and proceed on its own terms."

Feldman said that the August meeting of the committee sparked a series of dueling letters to her from the DOE and the NM Environment Dept. DOE wanted to refute things that the Environment Department had said at the Aug. meeting regarding the waste permit; the Environment Department responded with a letter from its lawyer about the political pressure and delay in the process.

"The waste stored at WIPP will be radioactive for 10,000 years," said Feldman, "It seems only prudent for the state to take the time it needs to make sure it's safe."