

*Eddy County, New Mexico  
Legislative Delegation*

October 20, 1998

The Honorable Gary Johnson  
Governor of New Mexico  
State Capitol Building  
Santa Fe, NM 87503



Dear Governor Johnson:

You can count us among the "shocked and dismayed" by what appears to be a change in the administration's position on the Waste Isolation Pilot Plant.

On October 5, Ms. Susan McMichael of the New Mexico Environment Department told the New Mexico Legislative Radioactive and Hazardous Materials Committee that the WIPP should not dispose of non-mixed transuranic waste until the NMED issues a final Resource Conservation and Recovery Act permit for the facility.

We are quite certain that we need not remind you that the late Mark Weidler, as NMED Secretary, said on several occasions that the state has no opposition to the opening of the WIPP for disposal of non-mixed waste in the absence of a RCRA permit. Ms. McMichael's remarks clearly do not reflect that position.

Ms. McMichael also testified that the DOE "gave no indication that any given time periods [for issuance of a RCRA permit] were unreasonable." This is absolutely untrue. While, the DOE has bent over backwards to meet unreasonable demands for information and additional requirements for sampling waste at Los Alamos National Laboratory, the agency has never agreed to a permitting schedule that keeps it from meeting other regulatory obligations and commitments. Additionally, it seems that NMED is working very hard to claim jurisdiction over all of the WIPP's program components, which clearly infringes upon the authority of the U.S. Environmental Protection Agency and the Defense Nuclear Facilities Safety Board.

Not only are we now faced with more foot dragging in terms of the NMED's schedule for issuing a final RCRA permit, we now have a potential death knell for the WIPP if NMED's inaccurate statements go unchallenged by your office.

We strongly encourage you to become involved in this matter and to insist that NMED stop its foot dragging and issue a RCRA permit for the WIPP.

Sincerely,

Don Kidd

Carroll Leavell

Joe Stell

John Heaton

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*Senator Don Kidd  
District 34*

*Senator Carroll Leavell  
District 41*

*Representative Joe Stell  
District 54*

*Representative John Heaton  
District 55*

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