



New Mexico State Senate

State Capitol
Santa Fe

COMMITTEES:

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

Dear Governor Johnson:

As the chairwoman of the Radioactive and Hazardous Materials Committee for two years now, I am writing to ask that you support your Environment Department's efforts to regulate the WIPP facility in Southeastern New Mexico with professional diligence and great care for the health and safety of New Mexicans.

This regulatory effort is probably the most important task that has confronted any state in the past decade, and I am encouraged by the Department's approach under the new Secretary Peter Maggiore, and his WIPP project manager, Susan McMichael. For the first time in two years, the committee which I chair is getting clear information and timelines about the RCRA permitting process. The department has now made the RCRA permit its number one priority. And I am gratified that NMED and DOE have agreed on a testing and analysis plan for the non-mixed waste which was under contention this summer.

I am sure you are aware that the department has been under tremendous pressure from DOE and the Eddy County delegation to expedite the RCRA permit and open WIPP. In fact, for the past four months there has been a drive to ship non-mixed waste to WIPP as quickly as possible-- after "characterization" by LANL, but before the issuance of a state permit.

I do not believe that this is a good idea.



A little history: For many years in both written documents presented to the committee and oral testimony, the DOE indicated that it would not open this facility until it had obtained a RCRA permit from the state. The DOE abruptly changed course in the Fall of 1997, after becoming frustrated with the "delay" at the NMED. At that time it said that it would be opening the facility for non-mixed waste by late May 1998, and disavowed any earlier positions to the contrary.

I protested the abrupt change at that time. I continue to believe that the WIPP should not open without a state permit. For New Mexicans and all US residents, the NMED has become the last stop on the road to WIPP. And the state permit is the last external oversight to which this unprecedented facility, which will have an unfathomable lifetime of tens of thousands of years, will be subject. Viewed in this way, a delay of a few months seems like a minor price to pay for the peace of mind that will result from a thorough, exhaustive regulatory process.

Our committee minutes for the past interim are now available from the Legislative Council Service, should you need to refer to past positions of either the DOE or the NMED.

Thanks for your consideration of the health and safety of New Mexicans, as well as the needs of the DOE, in these matters.

Sincerely,



Sen. Dede Feldman

Chair, Radioactive and Hazardous Materials Committee

c.c. Peter Magglore, Secretary
NM Environment Department