



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SANTA FE, NEW MEXICO 87503

RECEIVED  
APR 26 1999

NM ENVIRONMENT DEPARTMENT  
OFFICE OF THE SECRETARY

ENTERED

*WIPP*

GARY E. JOHNSON  
GOVERNOR

(505) 827-3000

April 19, 1999

The Honorable Patricia A. Madrid  
Attorney General  
State of New Mexico  
PO Drawer 1508  
Santa Fe, New Mexico 87504-1508

Dear Attorney General Madrid:

Governor Johnson has forwarded a copy of your April 13, 1999, letter to me. You indicate your reluctance to represent the State in current negotiations with the Department of Energy regarding the submission of waste characterization data for proposed out-of-state shipments to the WIPP facility.

The New Mexico Environment Department (NMED) never has, and is not now requesting representation by your office in any matters associated with WIPP. However, we do appreciate your attempts to resolve long outstanding disputes between the Office of the Attorney General and the DOE regarding WIPP. Current issues require that NMED work diligently and directly with the DOE prior to the proposed shipment date of April 27, 1999. In fact, the NMED had a conference call with DOE on April 15, 1999, regarding this proposed shipment.

Our current concern is that the new proposed waste shipment had been previously characterized by DOE as mixed waste. The governor expects NMED to work closely with the DOE to determine whether this proposed shipment has been adequately characterized. Your suggestion to have a federal mediator assigned to this matter is neither timely or appropriate. DOE has not yet indicated any flexibility regarding the proposed shipment date which is nearly upon us.

Finally, your letter references settlement negotiations held last winter concerning a lawsuit in which NMED was not a party. We continue to believe that the settlement terms proposed by DOE were highly unfavorable and would have severely undercut NMED's regulatory authority. As matters stand now, NMED retains full comprehensive regulatory authority under the Hazardous Waste Act, to regulate the WIPP facility.

I hope that this matter clarifies our position. I look forward to working with you on other matters.

Sincerely,

Lou Gallegos  
Chief of Staff

