

**MINUTES
of the
FIRST MEETING
of the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**June 1, 2006
Room 307, State Capitol
Santa Fe**

The first meeting of the Radioactive and Hazardous Materials Committee was called to order by Representative John A. Heaton, vice chair, on Thursday, June 1, 2006, at 10:20 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Sen. Phil A. Griego, Chair
Rep. John A. Heaton, Vice Chair
Sen. Vernon D. Asbill
Rep. Manuel G. Herrera
Sen. Gay G. Kernan
Sen. Carroll H. Leavell
Rep. Antonio Lujan
Sen. Richard C. Martinez
Rep. Jim R. Trujillo
Rep. Jeannette O. Wallace

Absent

Rep. Donald E. Bratton
Sen. John T.L. Grubestic

Advisory Members

Rep. Thomas A. Anderson
Sen. Mary Jane M. Garcia
Sen. William H. Payne
Rep. Nick L. Salazar

Sen. Clinton D. Harden, Jr.
Sen. John Pinto
Rep. Avon W. Wilson

Staff

Evan Blackstone
Jeret Fleetwood

Guests

The guest list is in the original meeting file.

Committee Business — Interim Meeting Schedule

The committee began with the members introducing themselves and selecting meeting dates and locations. Evan Blackstone noted that the Los Alamos National Laboratory Oversight Committee has requested a joint meeting with the Radioactive and Hazardous Materials Committee for August 9. The committee selected the following meeting dates and locations:

July 11

Silver City

August 9	Los Alamos
September 19-20	Carlsbad and Hobbs
November 27	Santa Fe

Department of Environment — Update on Current Issues

Ron Curry, secretary of environment, and Cindy Padilla, acting deputy secretary of environment, provided the committee with a brief update on various issues concerning the Department of Environment (NMED). Secretary Curry identified six main areas that NMED is currently addressing in 2006. First, he began by discussing the implementation of new rules for septic tanks and other sewage and treatment and disposal systems by NMED. Secretary Curry explained that the regulations primarily concern septic tanks and that the implementation of the new rules has caused some consternation. He emphasized that liquid waste is a priority to NMED because contamination from septic tanks is the largest source of ground water contamination in New Mexico.

Second, Secretary Curry discussed the revision of the solid waste regulations, which received a four-day hearing in May. He pointed out that the highlight of the revisions is the implementation of an environmental justice provision in the regulations and the effect of the provision on a number of solid waste permitting facilities.

Third, Secretary Curry outlined the recent hearings concerning the Waste Isolation Pilot Project's (WIPP) permit application to accept remote-handled waste (RHW). He noted that authorizing WIPP to handle RHW represents the most significant change to date to the WIPP permit. He also pointed out that a number of entities, including the Department of Energy, WIPP, the Southwest Research Institute and various environmental groups all have had input into the process.

Fourth, Secretary Curry discussed NMED's involvement in the prevention of food-borne outbreaks. He explained that NMED inspects all of the restaurants in the state, except for those in Bernalillo County, at least once a year. Secretary Curry indicated that the public generally takes safe restaurant food for granted but that the department is trying to elevate the issue. He also pointed out that the inspectors responsible for restaurants are also those responsible for inspecting septic tanks and public swimming pools.

Fifth, Secretary Curry informed the committee that Louisiana Energy Services (LES) has gained approval from the federal government for its proposed uranium enrichment facility in Lea County. The secretary stated that NMED is working with LES on the required ground water discharge and storm water discharge permits. He also noted that some management changes have occurred within LES during the past two months and that NMED is working well with the new management.

Finally, Secretary Curry discussed NMED's investigation of alleged violations of the Clean Water Act by the Phelps Dodge Mining Company, which were discovered at the Camino Real landfill in Sunland Park. He explained that the landfill was no longer accepting waste from Phelps Dodge until the issue is resolved and that a number of options are possible for addressing the waste that has already been placed at the facility. Secretary Curry also pointed out that Phelps Dodge has been very cooperative in the process.

Discussion focused on:

- the estimated number of cesspools present in New Mexico and efforts by NMED to try to move people toward methods of waste disposal that are less likely to contaminate the nearby environment;
- NMED's indigent fund, which helps those individuals who cannot afford to install septic tanks on their own;
- the presence of hazardous waste in landfills;
- synthetic liners for landfills;
- the effect of the Solid Waste Act environmental justice provision on small, unincorporated communities;
- whether septic tank regulations create an environment that allows monopolies and price gouging;
- septic tank alternatives in subdivision construction;
- ground water and air quality hearings concerning the Asarco smelter on the New Mexico border with Mexico; and
- inspection of meat processing plants by NMED and the New Mexico Department of Agriculture.

Committee Business — Interim Work Plan

The committee developed a work plan for the 2006 interim that encompasses a range of environmental issues. The proposed work plan contains the following three areas of focus adopted by the New Mexico Legislative Council for the committee to consider:

- the monitoring of NMED's progress in implementing the federal consent order on environmental remediation and cleanup at the Los Alamos National Laboratory;
- the status of WIPP's state permit modification to accept RHW and Louisiana Energy Services' permit applications for its uranium enrichment plant near Hobbs; and
- issues related to the NMED's intention to assume primacy over the federal Environmental Protection Agency's national pollutant discharge elimination system.

Members of the committee requested that certain topics be placed on the agenda. The committee also received input from guests present in the audience. In addition to the three areas of focus, the proposed work plan also contains the following items:

- the review of the implementation of new mine safety requirements enacted by the legislature in 2006;
- the receipt of updates on mining reclamation activities and other current issues affecting the mining and oil and gas industries in New Mexico;
- the assessment of the impacts of the NMED's implementation of new septic tank

- regulations;
- the receipt of updates on the NMED's inspection activities to prevent food-borne illnesses; and
 - consideration of the inclusion of environmental justice in the NMED's community-based policies and planning initiatives.

Senator Griego reminded the committee that any member of the committee is welcome to add an item to a meeting agenda. He also suggested that representatives of NMED and the Governor's Office attend as many of the committee's meetings as possible.

There being no further business, the committee adjourned at 12:20 p.m.