

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

**June 7, 2011
Santa Fe, NM**

The first meeting of the radioactive and hazardous materials committee (RHMC) was called to order at 10:10 a.m. by Representative Antonio Lujan, chair, on Tuesday, June 7, in room 321 at the state capitol.

Present

Rep. Antonio Lujan, Chair
Sen. Richard C. Martinez, Vice Chair
Rep. Thomas A. Anderson
Rep. Cathrynn N. Brown
(via conference call)
Rep. Brian F. Egolf, Jr.
Sen. John Pinto
Rep. Jim R. Trujillo
Sen. David Ulibarri

Absent

Sen. Vernon D. Asbill
Sen. Stephen H. Fischmann
Sen. Carroll H. Leavell
Rep. Shirley A. Tyler

Advisory Members

Sen. Rod Adair
Rep. Eliseo Lee Alcon
Sen. Lynda M. Lovejoy
Sen. Nancy Rodriguez
Rep. Nick L. Salazar
Sen. Bernadette M. Sanchez

Rep. Donald E. Bratton
Sen. William F. Burt
Sen. Eric G. Griego
Sen. Gay G. Kernan
Sen. William H. Payne

Staff

Gordon Meeks
Renée Gregorio

Guests

The guest list is in the meeting file.

Tuesday, June 7

Introductions

At the request of the chair, committee members and staff introduced themselves to each other and to the audience. It was noted that there are several new members of the committee this interim.

Interim Committee Protocols

Raúl E. Burciaga, director, legislative council service, reviewed interim committee protocols and cost-saving measures for interim committees. He directed committee members to the interim committee calendar, which he stated was developed with minimal conflicts for voting

members. Because of budget cuts, he added, the New Mexico legislative council reduced the number of meetings and spaced them further apart and asked that all interim committees limit meeting times and travel, with travel for meetings not allowed without council approval after September 30. The RHMC is limited to four meetings this interim, he said. Mr. Burciaga indicated that the council will be reviewing other cost-saving measures during its June meeting, including limiting out-of-state travel as well as the number of meeting days a legislator could attend for committees to which that legislator is not a member.

Committee members posed several questions and observations to Mr. Burciaga, some of which he will take to the legislative council for review and decision-making. These include whether a member can be counted as present at a meeting via phone for any formal actions; limiting the number of bills from interim committees as a cost-saving measure, with the government restructuring task force as an example; concerns over the timing of the special session as related to the secretary of state's October deadline to submit nominating petitions; the attempts in the past to consolidate the science, technology and telecommunications committee with the RHMC or to update the name of the RHMC to more closely resemble what the committee's concerns are; limiting the number of advisory members on committees as a cost-saving measure; and clarification related to taxability of per diem (taxable) and mileage (not taxable).

**Request to Staff— Senator Martinez asked to see the actual numbers for cost savings related to limiting out-of-town travel.*

Department of Environment

Dave Martin, secretary of environment, and Raj Solomon, deputy secretary, outlined the department's mission and objectives, budget and organization, challenges, focus areas and strategies for addressing these challenges. Among the department objectives that Secretary Martin put forward were strategies based on sound science, responsible regulation balanced with economic growth, consistency and fairness regarding environmental regulations, establishing strong dialogue between regulators and the regulated community, promoting environmental awareness through open communication and advocating that the department heads act as facilitators, not antagonists. Secretary Martin delineated the department's focus areas to include resource and environmental protection, such as water and air quality; food inspections and landfills; industries, including dairies, power plants and Intel; and hazardous waste, including waste from Los Alamos national laboratory (LANL), Sandia national laboratories (SNL), mine waste and tailings. He spoke of specific projects within these focus areas.

Secretary Martin reviewed the duties of the hazardous waste bureau of the department and its major projects, including cleanup at Kirtland air force base (KAFB) and LANL and storage and shipment of waste at the waste isolation pilot plant (WIPP). He discussed the responsibilities of the federal department of environment (DOE) oversight bureau, which receives federal funding and performs surveillance and monitoring at the DOE facilities in the state, including LANL, SNL, WIPP and offices in Santa Fe, White Rock, Albuquerque and Carlsbad. Among the LANL consent order accomplishments that the secretary reviewed are the completion of demolition of buildings, the drilling of monitoring wells, record shipments to WIPP, cleanup projects, a reduction of the amount of transuranic waste stored above ground, the completion of ground water wells and completion of a memorandum of understanding and samplings, sediment control and an early notification system installed to support the Buckman

direct diversion project. (See a copy of the handout for more specific base program completions by year.)

Among the new strategies for the department that Secretary Martin discussed are implementing an internet-based permitting and filing system, establishing a small business task force, establishing a customer satisfaction survey and organizing "tiger teams" as an interagency approach to look at complex problems at KAFB, LANL, SNL and the Questa mine.

Committee members questioned how department changes in personnel help carry out the mission, to which Secretary Martin replied that the changes reflect a need to improve collaboration and facilitation and reduce antagonistic relationships, and that personnel changes were made in line with those goals. Concern was expressed regarding media coverage that indicated that the federal environmental protection agency (EPA) was asked to de-obligate funds allocated to New Mexico. Deputy Secretary Solomon stated that this was related to the EPA asking the department to conduct a program that is not under the department's purview, and that the department is reviewing which programs it has regulatory authority to work on. Projects within this regulatory authority include a leadership in energy and environmental design (LEED) detection program for oil and gas designed to prevent leaks and a recycling program. He added that the de-obligated funds were for a green building study, which was clearly outside the department's regulatory authority. Another committee question related to the definition of "sound science", with a request for an example of decisions made that represented "unsound science", because both terms were referred to by the secretary. Deputy Secretary Solomon gave the example of a decision made by the EPA that would have required the public service company of New Mexico to install pollution control equipment that amounted to "unsound science" at an unreasonable cost for New Mexicans.

Several committee members advised the department to be cautious regarding sensitivity to the state's diverse population when making decisions, especially those that are pro-business, by ensuring that the environment is also protected. Representative Lujan stressed that in a regulatory environment, creative tension is sometimes necessary. He added that he hopes the changing culture that the department spoke of would not be one that is partial to special interest industries and would not overlook people in smaller communities. Concern was expressed, too, regarding the number of leadership vacancies in the department at present and how difficult it is to know who to contact with issues that legislators face during the interim.

**Legislative Request — Senator Rodriguez asked to see an organizational chart of the department of environment and any currently vacant positions. She also asked for phone numbers and contact information for leadership positions within the department.*

Work Plan and Meeting Schedule

Committee discussion ensued regarding this year's proposed work plan and meeting schedule. Several members suggested that out-of-town travel is necessary and valuable, especially in regard to touring the WIPP site and other cleanup sites in the state, including Milan, Los Alamos and Red River. Committee members discussed options to present to the legislative council. Representative Egolf made a motion that the committee travel to Carlsbad for the two-day meeting on October 13-14 and to Red River for either the July or August meeting. Senator Rodriguez seconded the motion and it passed, with Representative Lujan opposing.

One additional topic was added to the work plan, which looks at ground water quality related to hydraulic fracturing, and the work plan was thus approved.

Adjournment

There being no further business, the committee adjourned at 12:35 p.m.