

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

**June 13, 2003
Santa Fe**

The first meeting of the Radioactive and Hazardous Materials Committee was called to order by Representative John A. Heaton, chair, at 9:30 a.m. in Room 309 at the State Capitol.

PRESENT

Rep. John A. Heaton, Chair
Sen. Richard C. Martinez, Vice Chair
Rep. Donald E. Bratton
Sen. Phil A. Griego
Rep. Manuel G. Herrera
Sen. Gay G. Kernan
Rep. Pauline J. Ponce
Rep. Jeannette O. Wallace

ABSENT

Sen. Mary Jane M. Garcia
Sen. Don Kidd
Sen. Carroll H. Leavell
Rep. Antonio Lujan

Advisory Members

Rep. Thomas A. Anderson
Rep. Avon W. Wilson

Sen. William H. Payne
Sen. John Pinto

Staff

Maha Khoury
Cenissa Martinez

Guests

The guest list is located in the meeting file.

Committee Business

Representative Heaton welcomed committee members and guests. Committee members and staff introduced themselves. The committee discussed the work plan, agenda items and dates. The chair asked for input from the audience. James Bearzi, Hazardous Waste Bureau chief, indicated that the Department of Environment (ED) would like to present legislation to the committee. Joni Arends of Concerned Citizens for Nuclear Safety stated the organization's support for Senate Bills 514, 515, 781 and 782, which were introduced last legislative session.

The committee recessed from 10:10 a.m. to 10:25 a.m.

New Mexico Department of Environment

Ron Curry, secretary of environment, introduced several staff members in the audience and gave some personal history. Secretary Curry described the top four priorities of the department set forth in the handout. He described how fiscal responsibility did not exist when he and his staff came into the department. They changed the cash and budgeting process and reduced costs so there is more money in the programs. There used to be no docket schedules for attorneys and attorneys would simply pick cases they were interested in without direction. Now, there is a docket, priorities and direction given to the attorneys. Tracy Hughes, general counsel, briefly described the process.

Secretary Curry discussed the three Department of Energy (DOE) facilities: Los Alamos National Laboratory (LANL), Sandia National Laboratories (SNL) and the Waste Isolation Pilot Project (WIPP). The department is working with all three facilities. LANL takes the most staff, legal and press time and is the most difficult to work with, partly because LANL answers to two bosses (the National Nuclear Securities Administration and DOE) and also because it needs to become a "good environmental citizen". As far as working with the facilities, WIPP is the most aggressive in complying with ED requirements, SNL is second and LANL is a distant third. Senator Martinez informed LANL representative William Heimbach, who was in the audience, to take notice of ED's claims about LANL. Secretary Curry added that ED is involved in lawsuits with SNL and LANL and hopes to negotiate settlements.

Secretary Curry described the importance of enforcement to protect the environment and health of citizens. The department needs to be timely and a good regulator. The Green Zia program will focus on small businesses and show them how to minimize waste. Department staff will go into chambers of commerce and associations to build a better working relationship with small businesses.

Committee members discussed specific concerns with Secretary Curry concerning Mora County and Pecos, mining in Grant County, Phelps Dodge issues, agreements and bonds, and superfund sites. Secretary Curry stated that the department will try to negotiate agreements and eliminate discord so that it can start implementing cleanup at superfund sites. There is too much money going into consultants and attorneys instead of remediation of the sites. Chairman Heaton was concerned about the department's budget and adequate funding. Secretary Curry discussed the department's three sources of funding, namely DOE, the state and 15 funds the department manages and spends, and indicated that budget requests will be clearer in the future. He stated that the budget is complicated and inadequate. Secretary Curry then asked various directors in the department to explain what they do.

Jim Norton, director, Environmental Protection Division, described the four bureaus in his division, namely air quality, occupational health and safety, petroleum storage tanks and solid waste. He briefly described the Corrective Action Fund, the fund from gasoline sales, and cleanup of underground and above-ground storage tanks. Ana Marie Ortiz, J.D., is director of

the Field Operations Division. There are 23 field offices in four districts in the state. The Field Operations Division inspects restaurants, pools and spas, provides liquid waste and burn permits, and contains the Drinking Water Bureau (there are 1,300 drinking water systems) and the Radiation Control Bureau. Rick Martinez, director, Administrative Services Division, stated that the department is helping rural communities to become eligible for drinking water funding. Charles Lundstrom, director of the Water and Waste Management Division, oversees the DOE Oversight Bureau, Hazardous Waste Bureau and Surface and Groundwater Quality Bureau. Mr. Lundstrom stated that his division is reviewing and addressing problems with the permitting process, including permits for the dairy industry.

Department representatives stated they are reaching out and meeting with communities, activist groups and businesses and keeping everything transparent. Discussions ensued about burn permits, water and adjudication systems and how to address Title V issues and Environmental Protection Agency standards.

Leo Wilson, from the audience, of the Utility Operator Certification Advisory Board, invited the committee members and department representatives to attend the board's meetings.

Representative Heaton thanked Secretary Curry and all representatives from ED for their informative and succinct presentations and expressed his confidence in the vision and ability of the department to provide accountability and advance the mission entrusted to it by the state.

The committee adjourned at 12:45 p.m.