

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

**May 28, 2008
Room 307, State Capitol
Santa Fe**

The first meeting of the Radioactive and Hazardous Materials Committee was called to order at 9:35 a.m. on May 28, 2008 in Room 317 of the State Capitol in Santa Fe.

Present

Rep. John A. Heaton, Chair
Sen. Richard C. Martinez, Vice Chair
Sen. Vernon D. Asbill
Rep. William J. Gray
Sen. Gay G. Kernan
Sen. Carroll H. Leavell
Rep. Jim R. Trujillo
Rep. Jeannette O. Wallace
Rep. Peter Wirth

Absent

Sen. John T.L. Grubestic
Rep. Antonio Lujan

Advisory Members

Rep. Thomas A. Anderson
Rep. Donald E. Bratton
Rep. Nick L. Salazar

Sen. Rod Adair
Rep. Rodolpho "Rudy" S. Martinez
Sen. William H. Payne
Rep. Jeff Steinborn

Guests

The guest list is in the original meeting file.

Staff

Kate Ferlic
Jeret Fleetwood
Alicia Santos

Wednesday, May 28

Representative Heaton began the meeting by having committee members and staff introduce themselves to the audience. He also provided the committee with a brief history of the committee and an overview of the day's agenda.

Past Legislation – Summary

Ms. Ferlic, Legislative Council Service (LCS), provided the committee with a brief overview of the energy-related bills the legislature has considered over the past five years. (See handouts.) She reviewed financial incentives for energy diversification, such as corporate and personal tax credits, production incentives, industry recruitment and rebate programs. She also educated the committee on successful legislative incentives passed by other states to encourage the production of alternative energy. Finally, Ms. Ferlic reviewed the Renewable Portfolio Standard (RPS) passed by the New Mexico Legislature and compared it to those standards passed by other states. State by state, RPS's take on different tasks and goals ranged from the required percent of electricity generated by renewables to what qualifies as a renewable to compliance rules to incentives. New Mexico took a straightforward approach with the passage of SB 418 in 2007. The law mandates that 20 percent of electric utilities' power come from renewable sources by 2020. Renewable sources include solar, wind, hydropower, geothermal, fuel cells not run by fossil fuel and certain biomass resources.

Office of the Governor

Thomas Bowles, science advisor to the Office of the Governor, provided the committee with an overview of the governor's science and technology plan. He explained that the plan would significantly increase the number of high-paying jobs for New Mexicans, primarily by taking advantage of the state's strengths and helping to bridge the gap that exists between federally funded research and development and the commercial sector.

Mr. Bowles began by pointing out that New Mexico has a wealth of scientific talent at the national laboratories and universities. He also noted that other existing areas of strength for the state are energy, health, nanotechnology, information technology and aerospace. He went on to discuss various opportunities available to New Mexico in many of those areas of strength, such as continued development of genome research and commercial applications of Spaceport America.

Mr. Bowles also discussed the New Mexico Computing Applications Center, which he indicated is capable of providing high-performance computing for all of the areas identified in the science and technology plan. He also noted that the center's other primary directions are economic development, education, work force development and various other problem-solving assistance to New Mexico communities. Mr. Bowles went on to indicate that while the center has already received \$18 million in state funding, \$11 million of which is for a supercomputer, it is seeking \$42 million in total state funding.

Next, Mr. Bowles discussed the role of energy in the science and technology plan. He emphasized that New Mexico has tremendous potential for developing "clean" energy sources. Mr. Bowles highlighted the SolareC Test System, which concentrates solar energy for heating and electricity, and a project by the Center for Excellence for Hazardous Materials Management (CEHMM) to produce biodiesel fuel from algae.

Mr. Bowles concluded by emphasizing that New Mexico has a great deal of potential for development of clean energy sources, first-class scientific and engineering talent and elected leaders committed to clean energy development. He went on to indicate that the science and technology plan will indeed yield a significant number of high-paying careers for New Mexicans if it is supported by reasonable amounts of recurring funding, private investments, oversight and coordination.

Questions and comments focused on the following topics:

- marketing of supercomputer resources to users outside of New Mexico;
- the necessity of including further development of nuclear energy in any discussion of clean energy;
- the work being done by Los Alamos National Laboratory (LANL) on nuclear reactor technology;
- issues related to internet bandwidth in the Hobbs area; and
- whether the regulatory environment in New Mexico is business friendly.

Interim Committee Protocols

Paula Tackett, director, LCS, explained to the committee that, in response to concerns that the Legislative Council had raised about misunderstandings regarding interim committee protocol, the council had authorized her to make a presentation about those protocols at each committee's organizational meeting.

Ms. Tackett began by discussing quorums, pointing out that a quorum of any deliberative body must be present in order for that body to conduct business. She explained that a quorum is 50 percent of the voting members plus one and noted that a quorum for the Water and Natural Resources Committee would be 10 voting members. Ms. Tackett went on to explain that once established, a quorum is presumed to exist unless the lack of one is exposed by a question of no quorum or a roll call vote. She also noted that, since a quorum is presumed to exist, committees may take voice votes or consensus votes even when it is clear that a quorum is lacking.

Ms. Tackett explained that committees may also convene themselves as special subcommittees for the limited purpose of hearing testimony on the agenda. She explained that convening as a subcommittee allows members and presenters who may have traveled long distances to attend the meeting to hear or provide testimony as well as allowing members to be paid per diem and mileage. Ms. Tackett indicated that subcommittee members may only be paid if one of two conditions is met: all the members in attendance (voting, advisory and one-time attendees) add up to the number of voting members required for a quorum; or the chair or vice chair is present along with one member from each chamber and each party.

Ms. Tackett went on to point out that the Legislative Council routinely authorizes the speaker and president pro tempore to adjust membership of the committees as necessary in consultation with the respective minority leaders, which allows them to make last-minute substitutions to most committees in order to attain the number required for a quorum. However,

Ms. Tackett emphasized that such authorization has not been construed as to allow the speaker or the president pro tempore to adjust the makeup of the committee for the apparent purpose of stacking the committee for a vote on a controversial subject. Ms. Tackett also discussed the ability of a member to resign from an interim committee at any time.

Ms. Tackett then provided the committee with a details regarding interim committee voting, specifically pointing out that only voting members may vote. She also outlined the blocking provision, which allows a majority of the members appointed from one chamber to a committee to block the action of the other chamber, despite the fact that a majority of the members present may have voted in favor of that action.

Finally, Ms. Tackett provided the committee with a brief overview of the use of the sound system in the Capitol's meeting rooms, seating at the dais in those meeting rooms, seating of staff in committee rooms and the development of the calendar by the LCS to minimize meeting conflicts among voting members.

Department of Environment (NMED)

Bobby Lopez, environmental specialist for the NMED, provided the committee with testimony regarding transportation to the Waste Isolation Pilot Project (WIPP). He emphasized that the safety of WIPP shipments and the communities they travel through are of primary importance. Mr. Lopez went on to provide the committee with an overview of the various groups involved in ensuring the safety of WIPP shipments, most notably the WIPP Task Force; training provided to communities that have shipments pass through them; technological equipment and software developed to ensure shipment safety; the involvement of hospitals along various WIPP routes; and funding granted to city and county fire departments along WIPP routes to assist with cleanup of any accidents.

Ron Curry, NMED secretary, provided the committee with an update regarding several issues involving the NMED. He began by discussing a plan announced by Governor Richardson to seek the highest possible level of protection for all surface waters in national forest wilderness and inventoried roadless areas in New Mexico. Secretary Curry explained that the designation "Outstanding National Resource Waters (ONRW)" needs to be approved by the New Mexico Water Quality Control Commission, and the NMED has the task of developing documentation for the designation. He noted that this would involve holding stakeholder meetings and community outreach and working with other state agencies.

Secretary Curry went on to discuss the three federal Department of Energy (DOE) sites located in New Mexico: WIPP, LANL and Sandia National Laboratories. He indicated that while WIPP has requested no further permit modifications, its request to allow remote-handled waste is still pending due to filing of a permit modification hearing appeal. Secretary Curry also discussed issues related to the consent order for cleanup of sites at LANL, pointing out that there is some concern over contaminant migration into an area called Pueblo Canyon. He also noted that there are some concerns over ground water contamination at Sandia National Laboratories.

Finally, Secretary Curry introduced Karen Gallegos, NMED Water and Waste Infrastructure Development Division director, to the committee. He explained that she had been appointed by Governor Richardson earlier in the month after she worked for the Climate Change Country Studies Program for the Department of State.

Questions and comments focused on the following topics:

- whether grazing affects the water quality under the ONRW designation;
- how often water is sampled to determine degradation levels;
- whether computer modeling has been conducted on surface water degradation in the proposed ONRW areas;
- the use of water samples to determine degradation in water quality;
- the effects of wildlife on water quality;
- how violations under the ONRW designation are handled; and
- whether issues at the three DOE sites have been resolved.

Energy, Minerals and Natural Resources Department (EMNRD)

Craig O'Hare, special assistant for renewable energy at the EMNRD, provided the committee with an update on major trends in the global and national energy arena and how those trends affect New Mexico. He began by explaining that global demand for energy, led mostly by China and India, has been increasing dramatically over the past decade, causing the price of energy resources to skyrocket while the availability of those resources becomes something of a challenge. Mr. O'Hare pointed to steadily increasing oil and natural gas prices and the reluctance of investors to build new coal-fired electric power plants, due to cost risks associated with future carbon regulation, as issues confronting the global energy market that have repercussions on New Mexico.

Mr. O'Hare went on to note that most predictions show energy prices will only increase, while resources such as oil will likely become more and more scarce. He went on to emphasize that there is strong international interest in renewable fuels and discussed some of the pros and cons of various renewable fuels. For example, Mr. O'Hare pointed out that while many automakers are producing gas/electric hybrid vehicles, moving from liquid fossil fuels to electricity will eventually put a huge strain on electricity generation.

Next, Mr. O'Hare discussed steps New Mexico has taken to become more involved in the emerging clean energy industry, such as energy-efficient building programs, renewable energy production tax credits, the Energy Innovation Fund and the Renewable Energy Transmission Authority. He pointed out that New Mexico is competing with other states to become positioned to take advantage of an emerging economy surrounding clean energy and emphasized that now is the time to act in order to be in the best position possible.

Questions and comments focused on the following topics:

- hybrid cars that use gasoline power and regenerative braking to recharge their batteries;

- that carbon emissions of coal-fired plants in China will dwarf emissions by U.S. plants;
- the number of new coal-fired plants planned for China compared with those planned in the U.S.;
- undeveloped oil shale resources in the Rocky Mountains; and
- that the regulatory environment in the U.S. makes development of energy resources somewhat problematic.
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Work Plan

The committee crafted a work plan and meeting dates.

There being no further business, the committee adjourned at 4:55 p.m.