

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Cisneros DATE TYPED 1/30/04 HB \_\_\_\_\_

SHORT TITLE Prohibit High-Level Radioactive Waste SB 259

ANALYST Wilson

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			NFI		

### SOURCES OF INFORMATION

LFC Files

Response Received From  
Environment Department (ED)

### SUMMARY

#### Synopsis of Bill

Senate Bill 259 prohibits the transporting to, or disposal of, high-level radioactive waste or spent nuclear fuel in the Waste Isolation Pilot Plant (WIPP), and directs the Environmental Improvement Board (EIB) to adopt regulations to that effect. This bill establishes the authority of the Secretary of the ED. The bill also includes penalty and judicial review provisions.

#### Significant Issues

SB 259 seeks to implement a prohibition against high-level radioactive waste and spent nuclear fuel similar to that contained in Section 12 of Public Law 102-579, otherwise known as the WIPP Land Withdrawal Act (LWA). The WIPP LWA does not specify who enforces that provision, creating uncertainty about who may take enforcement action in the event the US Department of Energy (USDOE) attempts to dispose of these waste types illegally. This bill establishes the authority of the Secretary of the ED to suspend or revoke any permit issued by Environment Department to WIPP if such action were taken.

The ED is currently seeking to modify the WIPP hazardous waste facility permit to limit waste disposed of at WIPP to the inventory originally specified in the original permit application from the USDOE. This changed permit will also prohibit high-level radioactive waste and spent fuel disposal at WIPP.

ED believes that adding a specific prohibition against the disposal of high-level radioactive waste or spent nuclear fuel at WIPP will strengthen the State's ability to keep inappropriate wastes from disposal at WIPP.

### **FISCAL IMPLICATIONS**

ED is currently involved with permitting issues involving WIPP. No additional financial resources are needed to implement the provisions of this bill.

### **ADMINISTRATIVE IMPLICATIONS**

ED will need to exercise additional oversight to ensure no high-level radioactive waste or spent nuclear fuel is transported to, or disposed of, at WIPP. However, this oversight can be readily combined with other regulatory oversight activities of the ED Hazardous Waste Bureau, whose staff currently ensures WIPP's compliance with the State's hazardous waste facility permit

**DW/njw:lg**