



Above: The site of the proposed Roper concrete batch plant, with a nursery visible in the distance. Inset: The Roper plant in Carrizozo, N.M.

N.M. can still prevent ill-advised nuclear site

**John Buchser,
Nuclear Waste Issue Chair**

The Nuclear Regulatory Commission is scheduled in early 2023 to grant Holtec International a license to ‘temporarily’ store high-level nuclear waste near Carlsbad.

In September 2021, the NRC granted a similar license to WCS/ISP in Texas near the New Mexico state line. The Texas Legislature passed a bill to prohibit state permits for the facility, and Texas Gov. Abbott signed the legislation.

We need to follow the lead of Texas and pass a bill to block any state permitting needed by Holtec to build their facility (a building permit, water to make concrete, etc.).

During the 30-day legislative session earlier this year, state Sen. Jeff Steinborn and state Rep. Matthew McQueen successfully passed out of committee a bill to accomplish this, but time ran out for the full Legislature to pass the bill. The longer 60-day session this year will be our chance to pass this bill before Holtec gets the required state permits.

The Sierra Club and other organizations have challenged the NRC’s process in the Washington D.C. Circuit Court of Appeals and may challenge the final environmental impact statement in the 10th Circuit Court of Appeals, where the State of New Mexico also has filed suit.

The Texas attorney general and Fasken Oil have challenged the WCS/ISP license in the 5th Circuit Court of Appeals. In oral argument last month, Texas and Fasken argued that the NRC doesn’t have authority to issue the license under the Nuclear Waste Policy Act. The 5th Circuit decision could go to the Supreme Court.

Federal law requires a permanent disposal site to be identified before any interim site is established, but no such site has been identified. Holtec argues that their waste storage casks are safe, pointing out the decades of accident-free transport by the Navy. The Navy uses 8-inch-thick casks. Holtec uses 5/8-inch. The more you move this radioactive waste around, the more likely it is to experience an accident or terror attack.

It is urgent that we support the efforts of Sen. Steinborn and Rep. McQueen bill to prohibit state permits in order to stop Holtec’s scheme to make money off the Federal indecision in creating a long-term disposal facility, putting our communities at risk.

Alto fights concrete plant

By Galen Farrington

Retired and tranquil, our space in the world had just been shattered by the nondescript legal posting placed on the fencing across the two-lane highway from our subdivision’s postal pod. As my wife and I stood in the drizzle, we read that a concrete batch plant was to be erected in the elk-inhabited meadow before us. We and two other retired couples met and developed an action plan that began with two opposition letters to the New Mexico Environment Department, as directed by the posting.

Here is the nightmare that would ensue if that plant were built: The world’s No. 1 industry, which uses the world’s No. 1 life-sustaining resource, water, would be located within destructively harmful breathing distance of at least 200 residents/property owners and numerous endangered species, some of which are protected in the Class I White Mountain Wilderness area less than 1.2 miles to the west.

The air quality surrounding concrete batch plants has been studied at length, and the common denominator contributing to compromised health is the ingestion of particulate matter, sulfur dioxide, nitrogen dioxide, carbon monoxide, volatile organic

compounds, nickel, formaldehyde, and crystalline silica. This is especially true for the breathing-impaired segments of the elderly and youth populations.

According to Rice University, “The most recent data show that, in 2015 alone, particulate matter was linked to 5,200 premature deaths in Houston,” where there are dozens of concrete batch plants.

The Environment Department’s Air Quality Bureau states that its mission is “to protect the inhabitants and natural beauty of New Mexico by preventing the deterioration of air quality.”

The proposed concrete batch plant will not enhance air quality or add to the natural beauty along The Billy the Kid National Scenic Byway. National guidelines preclude heavy industry from disturbing the natural beauty of these designated areas.

Earlier this year, the Environment Department denied the contractor’s permit request with more than 50 pages of rationale. Roper Construction then waited until the eleventh hour to appeal. Now the state Environment Improvement Board will provide a second public hearing Oct. 18-20 to determine the legitimacy of the Environment Department’s “final order.”

The contractor has ignored crucially sensitive populations, has mispre-

sented modeling procedures required in the permit request, has ignored the neighborhood opposition, has demonstrated a complete disregard for the environment with an assault on government regulations, and has requested an operations schedule of 18 hours per day from 3 a.m. to 9 p.m. from May through August, an obvious disrespect for his neighbors’ quest for environmental peacefulness.

The Lincoln County commissioners have not reviewed the prospects of creating an ordinance that would apply to the NM Highway 220 corridor’s uniqueness, a responsibility granted to them in at least three documents they have pledged to adhere to.

During the last 17 months, Roper has pursued its business plan in spite of the universal destruction that would result.

My wife and I dedicated a combined 85 years as educators to instill the first tenet the system addressed: to create a better citizenry that produced individuals who served the common good of their communities. This contractor missed that lesson.

Please go to riograndesierraclub.org/alto to urge the Environmental Improvement Board to reject Roper’s appeal and the plant’s permit.

EPA taking meaningful action on El Paso air quality

By David Baake, Southern NM Group

Every year, residents of El Paso and neighboring areas in southern New Mexico are exposed to dangerous levels of ozone, a corrosive air pollutant that attacks the lungs and other parts of the body, contributing to respiratory and cardiovascular problems and premature deaths.

The American Lung Association ranks El Paso-Las Cruces 12th on a list of the most ozone-polluted metropolitan areas, worse than New York, Chicago, and Dallas-Fort Worth.

After years of litigation and advocacy by the Sierra Club and local activists, the U.S. Environmental Protection Agency has started to take meaningful action to reduce pollution in the region. Last year, the agency designated El Paso County a “nonattainment” area for ozone, expanding an existing nonattainment area that included Sunland Park, NM. The designation initiates a process for reducing emissions from El Paso facilities that contribute to the pollution problem.

Unfortunately, the State of Texas continues to deploy every loophole in the Clean Air Act to avoid taking action to reduce pollution in El Paso. Earlier

this year, it filed a lawsuit arguing that EPA is moving too fast in trying to clean up pollution and asking the court to rule that the entire process must be delayed by three years. The Sierra Club’s Joshua Smith and I intervened on behalf of the Club to support EPA against Texas’s meritless suit. Texas is also seeking an exemption from the requirement to impose new emission controls on industrial sources.

Sierra Club prepared comments urging EPA to deny Texas’s exemption request earlier this year. Much more needs to be done to clean up the air in the borderlands, but recent actions by EPA have been encouraging.