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SENATE MEMORIAL 34

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Gerald Ortiz y Pino

A MEMORIAL

REQUESTING THE DEPARTMENT OF ENVIRONMENT TO ESTABLISH A COMPLIANCE SCHEDULE ACCORDING TO WHICH SANDIA NATIONAL LABORATORIES IS ORDERED TO CONDUCT THE FEASIBILITY STUDY REQUIRED PURSUANT TO THE DEPARTMENT'S 2005 FINAL ORDER AND TO REPORT ON THE FEASIBILITY STUDY TO THE PUBLIC AND THE APPROPRIATE LEGISLATIVE INTERIM COMMITTEE.

WHEREAS, the mixed waste landfill at Sandia national laboratories operated from 1959 to 1988 to receive radioactive and hazardous wastes from nuclear weapons production; and

WHEREAS, these radioactive and hazardous wastes were dumped in unlined pits and trenches and are leaking into Albuquerque's drinking water aquifer that serves over six hundred thousand residents; and

WHEREAS, the wastes in the mixed waste landfill include

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1 more than one hundred barrels of long-lived plutonium-  
2 contaminated wastes, along with tons of depleted uranium and  
3 tritium and hazardous wastes such as lead, beryllium and  
4 solvents such as trichloroethylene, or "TCE"; polychlorinated  
5 biphenyls, or "PCBs"; and perchloroethylene, or "PCE"; and

6 WHEREAS, the federal environmental protection agency and  
7 other entities have linked these toxins to cancer and other  
8 serious health effects in humans and animals; and

9 WHEREAS, numerous technical reports and experts have  
10 determined that ground water monitoring at the mixed waste  
11 landfill did not provide reliable and representative sampling  
12 data to support the decision of Sandia national laboratories to  
13 leave the wastes in place under a dirt cover; and

14 WHEREAS, the wastes in the mixed waste landfill pose a  
15 long-term danger to the aquifer that serves Albuquerque  
16 residents; and

17 WHEREAS, the department of environment's 2005 final order  
18 required Sandia national laboratories to undertake a  
19 feasibility study every five years of the feasibility for  
20 excavation of the mixed waste landfill and the suitability of  
21 the dirt cover over the landfill; and

22 WHEREAS, the department of environment's 2005 final order  
23 also requires the feasibility study to provide an update with  
24 current data regarding the fate and transport model for the  
25 mixed waste landfill site; and

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1           WHEREAS, the department of environment's 2005 final order  
2 requires the feasibility study to include a reevaluation of the  
3 likelihood of contaminants in the mixed waste landfill reaching  
4 ground water; and

5           WHEREAS, Sandia national laboratories has not performed  
6 the required feasibility study although it has been nearly  
7 three years since the due date; and

8           WHEREAS, the department of environment has not required  
9 Sandia national laboratories to perform the five-year  
10 feasibility study;

11           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
12 OF NEW MEXICO that in order to protect the public health and  
13 environment, the department of environment be requested, within  
14 thirty days from the passage of this memorial, to establish a  
15 compliance schedule according to which Sandia national  
16 laboratories is ordered to conduct the feasibility study  
17 required pursuant to the department's 2005 final order; and

18           BE IT FURTHER RESOLVED that the department of environment  
19 be requested to report to the public and to the appropriate  
20 interim legislative committee on the feasibility study  
21 conducted by Sandia national laboratories pursuant to the 2005  
22 final order; and

23           BE IT FURTHER RESOLVED that copies of this memorial be  
24 transmitted to the governor, the secretary of environment, the  
25 mayor of Albuquerque and the New Mexico legislative council.

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