



New Mexico Environment Department

Compliance Order on Consent Radioactive & Hazardous Materials Committee

Aug. 23, 2019





History and Relation to the Hazardous Waste Permit

- The Compliance Order on Consent (Consent Order) was signed by the New Mexico Environment Department (NMED) and the U.S. Department of Energy (DOE) in June 2016.
- Most corrective action for releases of hazardous waste or hazardous constituents at Los Alamos National Laboratory (LANL) are conducted under the Consent Order, not under the facility's Hazardous Waste Permit.
- Compliance with the terms of the Consent Order constitutes compliance with the requirements for corrective action under the federal Resource Conservation and Recovery Act (RCRA) and the New Mexico Hazardous Waste Act (HWA).
- The Consent Order is an “enforceable document” pursuant to 40 C.F.R. § 264.90 and is the sole mechanism for enforcing corrective action activities at LANL, with the exception of specific conditions which are addressed under the Permit.



Campaign Approach

- Corrective action activities at LANL are organized by campaign using a risk-based approach.
 - There are 17 identified campaigns (e.g., Chromium Interim Measures and Characterization, RDX Characterization Campaign and Remedy Campaign, Technical Area (TA)-21 Demolition & Decommissioning (D&D) and Cleanup Campaign, Material Disposal Area (MDA) C Remedy Campaign).
- Each year DOE identifies, and NMED approves, 10-20 campaign-related milestones for the upcoming federal fiscal year (FFY) and 10-20 targets for each of the next two years (FFY+1 and FFY+2). Milestones and targets are found in Appendix B of the Consent Order.
- Appendix B is available on the NMED website:
<https://www.env.nm.gov/hazardous-waste/lanl/>



Annual Planning Process

- FFY milestones are tentatively based on FFY+1 targets listed in the previous FFY.
- The annual planning process allows for revisions to milestones, targets, and cleanup campaigns due to factors such as actual work progress, changed conditions, risk, and funding.
- FFY milestones and targets are finalized after DOE receives its FFY appropriation. Upon finalization, an updated Appendix B is posted on NMED's Hazardous Waste Bureau's website and a public meeting is held to discuss work progress, facility's changed conditions, and funding levels.
- Milestones scheduled for the current FFY are enforceable and subject to Stipulated Penalties.
- During each annual planning process, DOE is required to provide NMED with an estimated date as to when all work under the Consent Order will be completed. For FFY19, the date is 2036.



Milestones

- ❑ FFY2017 - 16 milestones:
 - ❑ 15 milestones met deadlines and one was granted an extension
 - ❑ 40+ additional documents not related to milestones submitted
- ❑ FFY2018 - 15 milestones:
 - ❑ 13 milestones met deadlines and two were granted extensions
 - ❑ 50+ additional documents not related to milestones submitted
- ❑ FFY2019 - 20 milestones:
 - ❑ As of June 30, 11 milestones met deadlines, one was granted extension, and the remaining 8 are due between now and September 30, 2019
- ❑ FFY2020 – Annual planning in progress



Facility-Wide Groundwater Monitoring Under the Consent Order

- DOE monitors groundwater at and around the facility including: base flow, alluvial groundwater, intermediate perched groundwater, and regional aquifer groundwater.
- Monitoring is conducted in accordance with the annually updated Interim Facility-Wide Groundwater Monitoring Plan (IFGMP).
- IFGMP focuses on monitoring activities at the area-specific monitoring groups.
 - TA-21, Chromium Investigation, MDA C, TA-54, Technical Area-16 260, and MDA AB.
- Data is reported to NMED in an Annual Periodic Monitoring Report for each group.
- Groundwater data and other environmental data is publicly available on the Intellus New Mexico website <https://www.intellusnm.com/>

Questions?

Jennifer Hower

General Counsel

Jennifer.Hower@state.nm.us