



New Mexico Environment Department

Overview of Regulation of Radioactive and Hazardous Materials

James C. Kenney, Secretary
New Mexico Environment Department

May 29, 2025
Radioactive and Hazardous Materials Committee





Radioactive and Hazardous Materials Topics

Summary of the New Mexico Environment Department's authorities at higher-profile facilities

Facility	Hazardous Wastes	Radioactive Wastes
Upstream oil and gas	Not regulated	Regulated
Los Alamos National Lab	Regulated	Not regulated*
Sandia National Labs	Regulated	Not regulated*
Waste Isolation Pilot Plant	Regulated	Not regulated*
Holtec CISF/Spent Nuclear Fuel	Not regulated	Not regulated

*When a radioactive waste is mixed with a hazardous waste, we call that a mixed waste, and NMED has jurisdiction over mixed wastes



Los Alamos National Laboratory Permit Renewal

- **NMED reviewed LANL's permit renewal application submitted June 2020 determining it to be incomplete. Currently awaiting the revised application addressing NMED comments.**

- **NMED approved a Class 2 Permit Modification to add storage and treatment to TA-60, which is going to be reflected on the revised application.**

- **On Nov. 15, 2024, NMED directed DOE to address NMED comments and provide a revised renewal application by May 14, 2025.**

- **On April 1, 2025, DOE stated the intent to include a Corrective Action Complete (CAC) petition into the renewal application.**

- **NMED opposed inclusion of the CAC petition but allowed 60-day extension for the renewal application due to NMED by July 11, 2025.**



Image credit: Associated Press



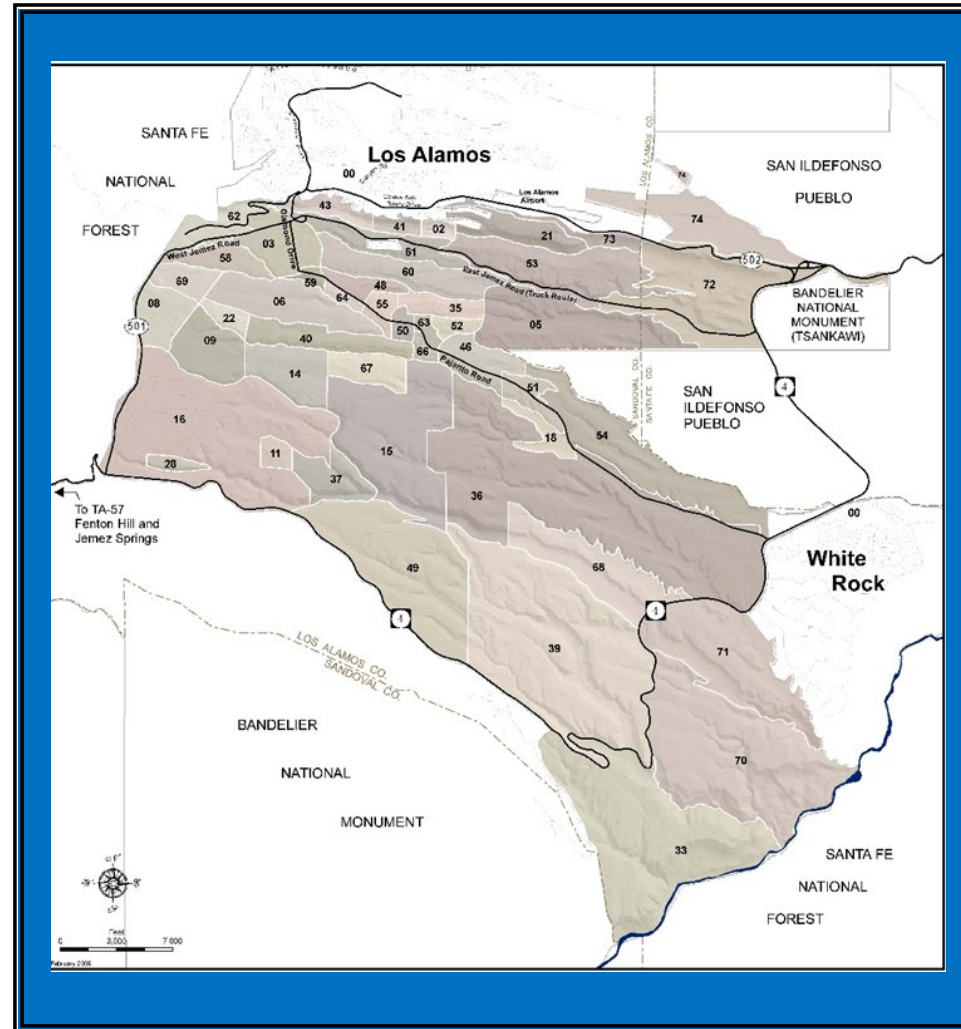
Los Alamos National Laboratory 2016 Consent Order

- **Compliance Order on Consent (Consent Order) was signed by NMED and DOE in June 2016.**

- **The Consent Order requires DOE to conduct corrective action for releases of contamination from legacy sites, including contamination of groundwater at LANL.**

- **The Consent Order is an “enforceable document” pursuant to federal and state law. With few exceptions, it is the sole mechanism for enforcing corrective action activities at LANL.**

- **DOE and NMED did not agree on milestones for Federal Fiscal Year 2025 but is actively negotiating milestones for 2026.**





Los Alamos National Laboratory 2016 Consent Order

Example: DOE would not commit to enforceable milestones to install and monitor wells at LANL in 2020-21.



- **During the Annual Planning Process for federal Fiscal Year 2021, NMED and DOE could not reach consensus about substantive and appropriate milestones and targets. Subsequently, NMED and DOE participated in a Dispute Resolution process (required by the 2016 Consent Order) that ended in January 2021 without resolution.**
- **In February 2021, NMED filed a civil complaint in First Judicial District Court of New Mexico seeking to terminate the 2016 Consent Order and negotiate new terms that expedite cleanup of legacy waste.**
- **In March 2021, DOE moved this action to the United States District Court.**
- **Negotiations from 2021-2024 resulted in a Settlement Agreement that includes a revised Consent Order, NMED agreement to complete review of COC requests, and a \$333,000 remittance to NMED**
- **Modified Consent Order expands both NMED and DOE accountability, revises the ineffective dispute resolution procedures, restructures campaign classification and organization, and increases public participation.**

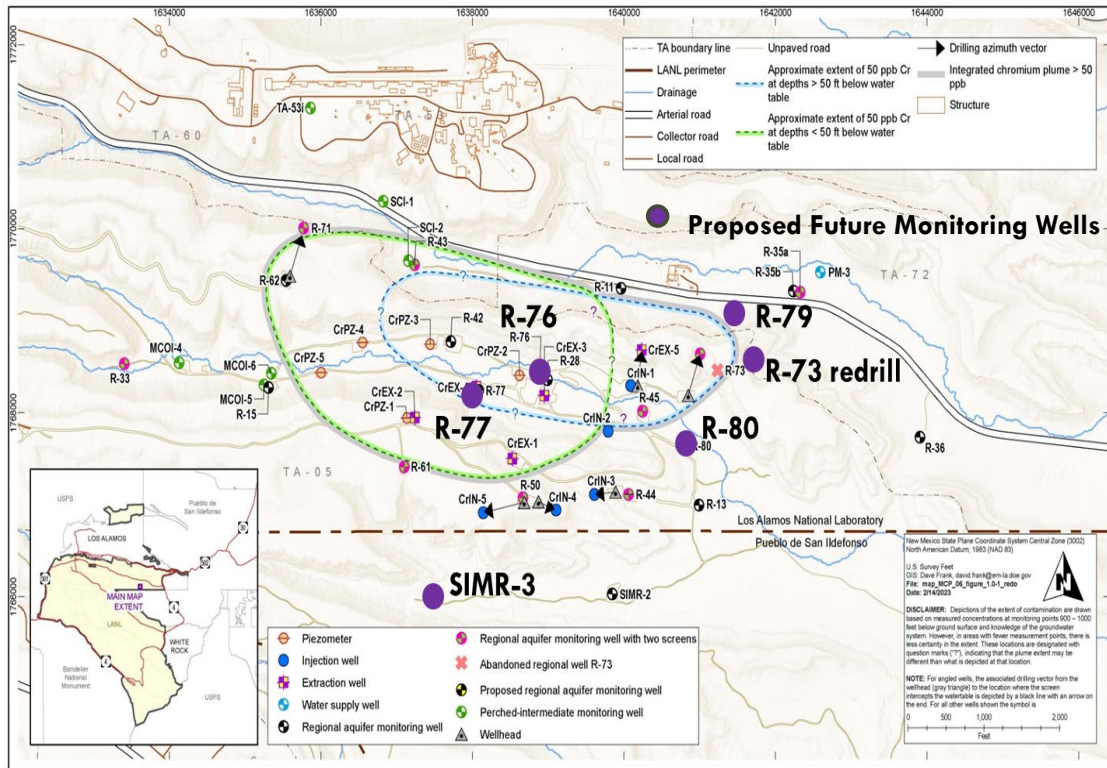


Los Alamos National Laboratory Hexavalent Chromium Interim Measure Update

- Following the recommendations of this Committee, NMED and DOE participated in an expert, independent, technical review team (IRT) of the hexavalent chromium project. The goal was to reach resolution on the impasse caused by differing technical opinions.
- After six months of review and analysis, the IRT supported many of NMED's regulatory requirements.

IRT Recommendations

- Supported the restart of interim measures in a limited capacity with partial, but strategic approach.
- Recommended expanding the interim measures pump-and-treat system with alternative high-volume capacity injection well.
- Supported conversion of groundwater model to MODFLOW code.
- NMED is negotiating inclusion of these recommendations into the revised Interim Measures Plan.



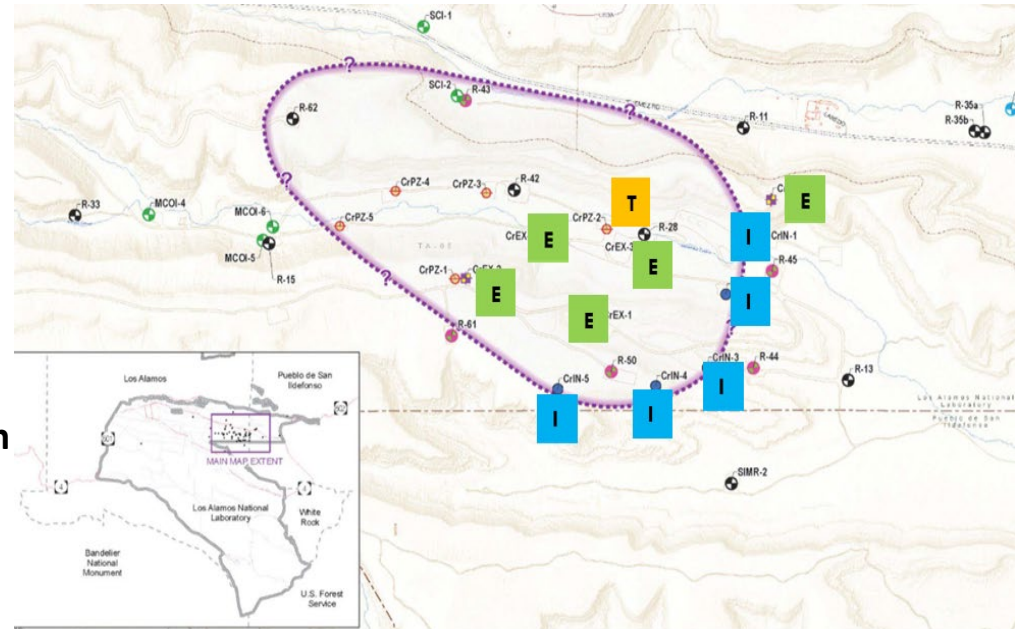


Los Alamos National Laboratory Incorporating Independent Technical Review Recommendations

- **Magnitude and complexity of the key recommendations requires further discussion with DOE on implementation and prioritization**

- **HWB is negotiating to determine a deadline on the revised Interim Measure Work Plan**

- **Revision will need to include a proposal for an expansion of the interim measures system**
- **Must satisfy the disapproval comments and include a plan to incorporate recommendations**



- **GWQB is requiring the corrective actions proposed by DOE in response to the non-compliance with the discharge permit conditions**
 - **Installing groundwater monitoring wells R-79 and R-80 to evaluate downgradient impacts from injection**
- **NMED is negotiating the Consent Order annual planning in Appendix B for Fiscal Year 2026**
 - **Due by July 31, 2025**



Waste Isolation Pilot Plant - Operating Permit

- **NMED has been focused on ensuring compliance with new renewal permit conditions over the past year and a half including:**

- **The Legacy TRU Waste Disposal Plan – NMED requested an updated Plan to be submitted Nov. 17, 2025.**
- **The Annual Repository Siting Report – NMED is in the process of drafting recommendations for improvements to future submittals.**
- **WIPP Community Forums – Three held in 2024 per the new permit condition; the first of three for 2025 was held in Carlsbad on Apr. 30.**
- **2024 & 2025 certifications have been received demonstrating sufficient capacity for NM generator/storage site waste in the WIPP underground.**



Image credit: Associated Press News

More information can be found on the HWB WIPP News webpage:
<https://www.env.nm.gov/hazardous-waste/wipp/>



Emerging Contaminants: PFAS

Safe Drinking Water Act

Regulate as individual contaminants:

- PFOA, PFOS
 - ▣ MCL = 4.0 ppt
- PFNA, PFHxS, HFPO-DA (GenX)
 - ▣ MCL = 10 ppt
 - ▣ EPA will re-evaluate Fall 2025

Regulate as a mixture:

- PFNA, PFBS, PFHxS, and HFPO-DA (GenX)
 - ▣ At least 2 must be present
 - ▣ Hazard Index MCL = 1.0 (unitless)
 - ▣ EPA will re-evaluate Fall 2025

CERCLA/RCRA

CERCLA

- On April 19, 2024, the EPA issued Final Rule designating PFOA and PFOS as CERCLA Hazardous Substances.

RCRA

- NM-led efforts to have the EPA include PFAS/PFOS as hazardous constituents and wastes resulted in the EPA proposing two rules that list nine PFAS / PFOS in the "Appendix VIII" hazardous constituents list and clarify a state's authority over these contaminants in corrective action activities.



Kirtland Air Force Base Bulk Fuels Facility Spill

Current Status

- **NMED approved the revised Soil Vapor Monitoring Plan in January 2024; sampling is occurring now under the new plan.**
- **Risk assessment will be updated with additional data.**
- **Phase II RCRA Facility Investigation has been submitted and is currently under NMED review. Upon approval, KAFB to proceed towards Corrective Remedy Evaluation and Corrective Remedy Selection.**

Path Forward

- **NMED is working with a third-party contractor to review the submitted monitoring reports and other documents, and to evaluate all past data to determine if sufficient information is available to proceed to the Corrective Measure Evaluation Phase.**
- **NMED is communicating frequently with KAFB to identify data gaps and resolve issues to move toward a final remedy selection.**
- **NMED and the Air Force are collaborating to improve stakeholder engagement and public confidence in our shared ability to safeguard our community.**



Neglected Contaminate Sites and Abandoned Uranium Mine Cleanup

- HB2 included \$20,000,000 to clean up contaminated sites across the state
- Abandoned Uranium Mines
 - \$12,000,000 for cleanups at Moe #4, Schmidt Decline, and Red Bluff #1, preliminary work on 20 additional sites, cost of assessments by EMNRD under Mining Act Reclamation Program.
- Neglected Sites
 - \$8,000,000 for cleanups of Tucumcari Truck Stop and the Aerex Refinery near Bloomfield.
 - \$2,000,000 for 24 state-lead petroleum storage tank sites corrective action.



2025 NMED Legislative Summary

- ❑ **HB 140 - AFFF Defined as Hazardous Waste**
- ❑ **HB 212 - Non-Essential PFAS Ban**
- ❑ **HB 291 – RAID Act Amendments and Circular Economy**
- ❑ **SB 21 – Established authority for NMED to permit surface water discharges under federal law and filled gaps in surface and ground water protection, including neglected contaminated sites**

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Thank you!