

**MINUTES  
of the  
THIRD MEETING  
of the  
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**September 2, 2025  
University of New Mexico  
Student Support and Services Center  
1155 University Boulevard SE  
Albuquerque**

The third meeting of the Radioactive and Hazardous Materials Committee was called to order by Senator Jeff Steinborn, chair, on September 2, 2025 at 9:33 a.m. in the Student Support and Services Center at the University of New Mexico in Albuquerque.

**Present**

Sen. Jeff Steinborn, Chair  
Rep. Joanne J. Ferrary, Vice Chair  
Rep. Stefani Lord  
Sen. Harold Pope  
Sen. Antoinette Sedillo Lopez

**Absent**

Rep. Cathrynn N. Brown  
Sen. Angel M. Charley  
Rep. Meredith A. Dixon  
Sen. David M. Gallegos  
Rep. Yanira Gurrola  
Rep. D. Wonda Johnson  
Sen. James G. Townsend

**Advisory Members**

Rep. John Block  
Sen. Crystal Brantley  
Sen. Shannon D. Pinto  
Rep. Debra M. Sariñana  
Sen. Anthony L. Thornton

**Staff**

Paul Estok, Staff Attorney, Legislative Council Service (LCS)  
Sara Wiedmaier, Researcher, LCS  
Zander Dawson, Staff Attorney, LCS  
Gabriel Suazo, Intern, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

## **References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

## **Tuesday, September 2**

### **Welcome and Introductions (9:33 a.m.)**

Senator Steinborn welcomed everyone and invited members of the committee, staff and audience to introduce themselves.

### **Per- and Polyfluoroalkyl Substances (PFAS): An Update (9:37 a.m.)**

James Kenney, secretary, Department of Environment (NMED), discussed recent legislation that amended the Hazardous Waste Act to include firefighting foam containing PFAS and enacted the Per- and Poly-Fluoroalkyl Substances Protection Act, noting that this enactment made New Mexico the third state in the country to comprehensively protect consumers from PFAS. He outlined the time line for rulemaking and described the labeling and reporting requirements, unavoidable use exemptions and enforcement and fees established by the Per- and Poly-Fluoroalkyl Substances Protection Act.

Mr. Kenney shared progress on the NMED-funded PFAS blood testing project in Curry County and noted that of 638 blood samples collected so far, 99.7% were found to contain PFAS, many at higher levels than the national average. He also provided an update on litigation between the state and the U.S. Department of the Air Force regarding the use of firefighting foam containing PFAS at military bases in New Mexico and on state efforts to ensure clean drinking water and educate the public in nearby communities. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/2/2025&ItemNumber=1>.

### **Kirtland Air Force Base (KAFB) Fuel Spill Cleanup (11:09 a.m.)**

J.D. Nance, chief, Hazardous Waste Bureau, Resource Protection Division, NMED, provided background on the Hazardous Waste Bureau and an update on the KAFB fuel spill, corrective action process and onsite monitoring and cleanup progress. Kelsey Bicknell, environmental manager, Albuquerque Bernalillo County Water Utility Authority, described the role of the water authority and emphasized the importance of ground water in supplementing surface water supply. Ms. Bicknell explained the history of the fuel spill and the risk posed to drinking water supply wells. She noted steps taken to monitor wells and treat contaminated soil and ground water, but she said that cleanup is still needed to ensure drinking water supply is protected.

Ryan J. Wortman, physical scientist, Installation Support Section, Air Force Civil Engineer Center, KAFB, discussed measures taken by KAFB to characterize and remediate the soil, soil vapor and ground water at the site and noted that the rising water table is causing increased contamination of the ground water as it comes in contact with the contaminated soil above. He outlined the 25-year investigation phase and the next steps of the corrective measures evaluation phase: evaluating remedies, obtaining approval from the NMED on these remedies, adding more monitoring wells and updating the risk assessment of the site. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/2/2025&ItemNumber=2>.

### **Carbon Dioxide Sequestration: An Update (12:16 p.m.)**

Benjamin Shelton, deputy secretary, Energy, Minerals and Natural Resources Department (EMNRD), and Albert Chang, director, Oil Conservation Division, EMNRD, discussed classes of wells, specifically Class VI wells, which are designated for long-term geologic carbon dioxide sequestration. Mr. Chang discussed permitting, regulation, monitoring and plugging of Class VI wells to protect water and ensure permanent containment of carbon dioxide. Mr. Shelton provided an overview and time line of United States Environmental Protection Agency primacy permitting, state rulemaking and public engagement. He noted the unique land considerations of the state in tailoring rules to best serve New Mexico's stakeholders and environmental priorities. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/2/2025&ItemNumber=3>.

### **Approval of Minutes (1:38 p.m.)**

Upon a motion made and seconded, the minutes for the meeting of July 11, 2025 were approved without objection.

### **Downhole Oil and Gas Chemical Disclosures: The Colorado Experience (1:42 p.m.)**

Dusty Horwitt, senior research and policy consultant, FracTracker Alliance, discussed studies on PFAS and other chemical use in oil and gas operations in Colorado and New Mexico. Mr. Horwitt mentioned health risks associated with exposure to these chemicals and the importance of chemical disclosure requirements for oil and gas operations. He outlined the time line and process by which Colorado implemented disclosure requirements and PFAS prohibition, as well as compliance and trade secret issues encountered and the possibility of expanding the Colorado law by adding testing requirements.

Mr. Horwitt highlighted a study that found high levels of PFAS and trade secret chemicals used in fracking operations in New Mexico and mentioned efforts, such as House Bill 222 (2025) and a 2023 petition to the Oil Conservation Commission for rulemaking, to require

disclosure and enact PFAS rules similar to Colorado's law. He noted that significant gaps remain in New Mexico's protections and suggested broader reporting requirements and adding testing requirements. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/2/2025&ItemNumber=4>.

**Public Comment (3:12 p.m.)**

A list of individuals who made public comment is available in the meeting file.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 3:27 p.m.