

NMED

New
Mexico
Environment
Department



RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE

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New Mexico Environment Department

Revised Consent Order

- Public Comment Period
- Overview of Revised Consent Order
- Overview of Comments Received
- NMED Perspective
- Next Steps

Public Comment Period

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- Revised Consent Order (CO) was issued March 30th, for Public Comment
 - ▣ 45-day public comment period & 15-day extension
 - Ended May 31, 2016
 - ▣ Several opportunities for public comment period:
 - NNM CAB Meeting – March 30th
 - Regional Coalition of LANL Communities – April 8th
 - NMED-sponsored open house meeting- April 28th
 - Meetings with individual stakeholders
 - AG, NGOs, Accord Pueblos, Congressional Delegation, EPA, Los Alamos County
 - NNM CAB Meeting – May 18th



Overview of Revised Consent Order

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□ Revised Consent Order

- Over the last year, NMED highlighted four enhancements to the 2005 Consent Order
 1. Campaign Approach
 2. Cleanup vs. Investigation
 3. Annual Planning Process
 4. Data Quality Objectives
- These enhancements will accomplish two key goals:
 - Expedite cleanup at LANL
 - Provide plan for increased funding



Revised Consent Order

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- Campaign Approach – Section VIII
 - Defined using key criteria that help to group the legacy cleanup work into “campaigns.”
 - E.g., risk level, stakeholder priorities
 - Consists of one or more projects
 - Campaigns and projects consist of one or more tasks or deliverables (e.g., work plan, well installation)
 - Lasts from project(s) start to finish and can span multiple years.
 - See Appendix C for the descriptions of each Campaign



Revised Consent Order (Cont'd)

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- Focus on Cleanup – Section VIII
 - All descriptive language regarding areas for investigation has been removed, enhancing focus on cleanup
 - Sections XIX and XX allow for “accelerated” and “at risk” work as well as presumptive remedies, enhancing prioritization of cleanup
 - Process in place to resolve comments and issues early, enhancing performance on cleanup
 - Section XXII – Designated Agency Managers
 - Section XXIII – Preparation/Review/Comment on Documents



Revised Consent Order (Cont'd)

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- Annual Planning Process – Section VIII.C
 - Process for updating Appendix B
 - Current FY, FY+1, & FY+2, w/ milestones and targets
 - Appendix B [Milestones and Targets] updated annually
 - Reality check includes: changed conditions, priorities, & funding
 - Transparency: Revised Appendix B posted on NMED's website
 - Dynamic process allows for revision during the year due to upward or downward adjustments in funding



Revised Consent Order (Cont'd)

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- Data Quality Objectives (DQOs)
 - Section XIII – Facility Investigation
 - Focused on the overall goals - accomplish environmental cleanup and reduce risk
 - Work Plans shall describe the objective(s) of the work; Permittee executes
 - Methods/Procedures used during field work included in Reports
 - Guidance on conducting investigations – Appendix F



Revised Consent Order (Cont'd)

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- More Significant Enhancements:
 - ▣ Relationship to the RCRA Permit – Section VII
 - Clarified RCRA Permit requirements vs. CO requirements
 - Clarified what happens upon termination of CO
 - ▣ Designated Agency Managers (DAMs) – Section XXII
 - Responsible for coordinating the implementation of the CO
 - Position must have sufficient decision-making authority
 - ▣ Stipulated Penalties for Non-Performance (e.g., failure to submit or complete a milestone)



Revised Consent Order (Cont'd)

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- What has not changed:
 - All work covered under March 1, 2005 CO is carried forward into the Revised CO
 - Includes work identified in the future (e.g., deferred sites)
 - Public participation for remedy selections continues
 - Stipulated penalties continue
 - Cleanup levels continue at rigorous levels



Overview of Comments Received

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- Several sets of written comments received:
 - ▣ Regional Coalition of LANL Communities (RCLC)
 - ▣ Northern New Mexico Citizens Advisory Board (NNMCAB)
 - Passed three resolutions supporting various aspects of the CO
 - ▣ County Commissioners
 - ▣ Municipal leaders
 - ▣ Activist groups
 - ▣ Individual stakeholders
 - ▣ Private companies
 - ▣ EPA Region 6
- Comments are wide-ranging
 - ▣ Comments support and oppose the draft CO



Comments Received

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- Comments received are focused on the following areas:
 - Public Participation
 - Public participation requirements
 - Access to documents/information
 - Campaign Approach
 - Changes in future priorities
 - Annual Planning Process / Budget
 - Editorial/Grammatical Changes
 - Definitions
 - Designated Agency Managers (DAMs)
 - Regulatory citations
 - Minor clarifications
- NMED will post all written comments received on our website



NMED Perspective

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- Revised CO:
 - Focuses on expediting cleanup of legacy contamination
 - Provides plan for how/when all cleanup work will be completed
 - Supports discussions on future funding levels for LANL
 - Provides flexibility to NMED and LANL to enable success rather than delay
 - Has stronger enforcement provisions



Next Steps

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- Review/compile all comments received
 - ▣ Post comments to NMED website
- Determine whether or not additional changes are needed based on comments
- Meet with DOE
- Finalize/sign the document
 - ▣ Goal is for early July



Questions?

