



New Mexico Environment Department

Overview of Regulation of Radioactive and Hazardous Materials James C. Kenney, Cabinet Secretary

June 7, 2021

Radioactive and Hazardous Materials Interim 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 does have some jurisdiction related to mixed wastes.



Radioactive and Hazardous Materials Topics

SCIENCE

Using the best available science to inform our decision-making in protecting public health and the environment.



INNOVATION

Employing creative engineering and technological solutions to address environmental problems.



COLLABORATION

Engaging communities and interested stakeholders in environmental decision-making.



COMPLIANCE

Ensuring meaningful compliance with state regulations and permits.

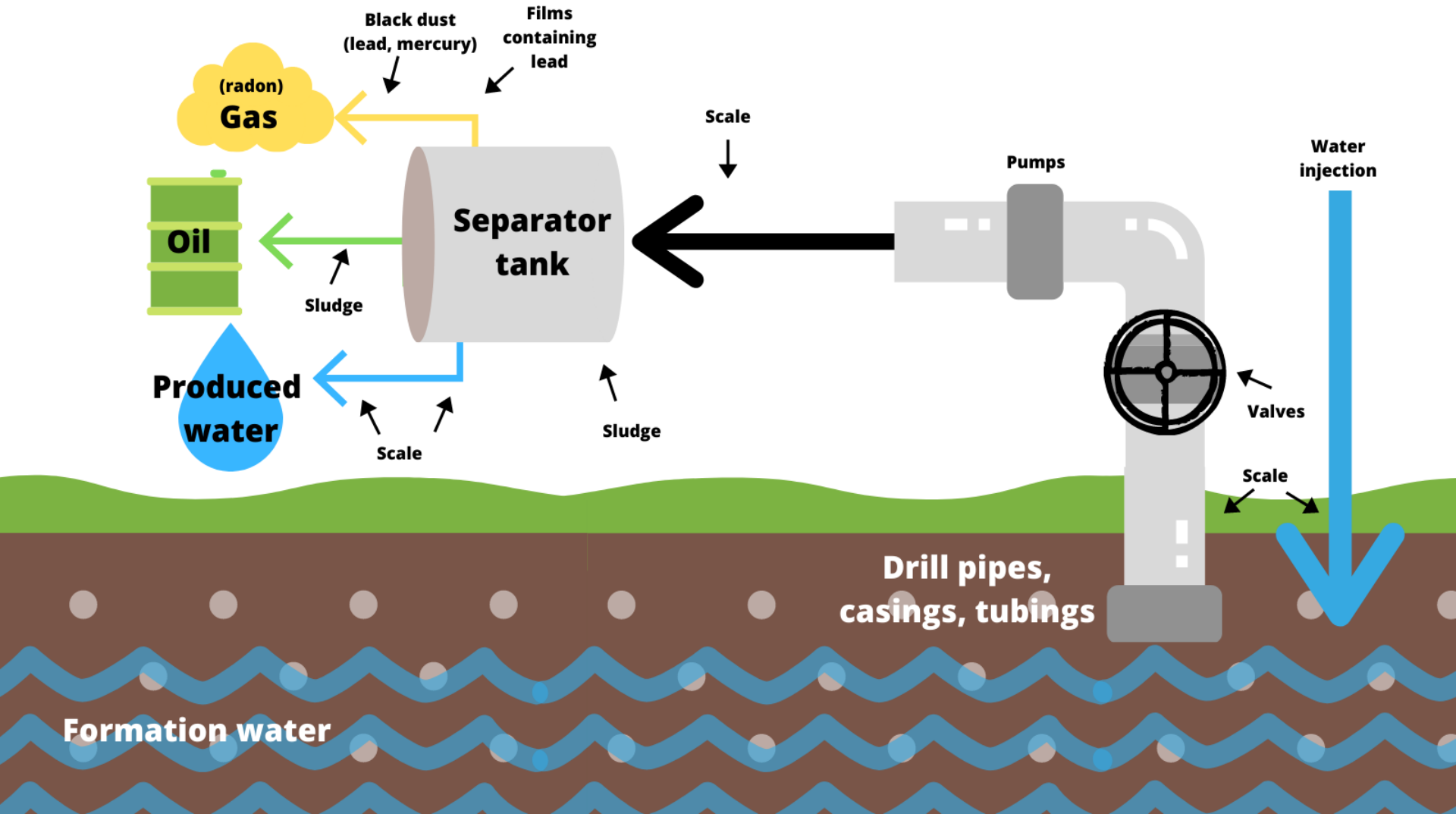


Hazardous Waste Bureau:

- General Fund: \$525k
- Special Revenue Funds: \$2.6m
- Federal Grants: \$1.5m
- 38 Full Time Equivalents
 - 6 Management, 5 Supervisors, 27 Staff
- 9 Funded Vacancies
- 24% Vacancy Rate
- Approx. 2,631 known regulated entities
- 376 regulated entities per technical staff person

Upstream Oil and Gas Industry

Naturally Occurring Radioactive Material (NORM)





Upstream Oil and Gas Industry

- February 2021 - NMED sent 20 letters to the largest oil and gas operators in New Mexico concerning regulated NORM
- NMED is reviewing responses and evaluating facility compliance





Los Alamos National Laboratory 2016 Consent Order

Example: LANL did not commit to enforceable milestones to install and monitor wells in 2020-21



- NMED considered DOE proposed FY2021 milestones/targets as deficient due to a lack of substantive and appropriate clean-up targets for coming years
- Mandated dispute resolution ended in January 2021 without agreement between NMED and DOE
- In February 2021, NMED filed a civil complaint in District Court, seeking to terminate the 2016 Consent Order and negotiate new terms that expedite cleanup of legacy waste



Los Alamos National Laboratory 2016 Consent Order

- Compliance Order on Consent (Consent Order) was signed by NMED and the U.S. Department of Energy (DOE) in June 2016
- Most corrective action for releases of hazardous waste at LANL are conducted under the Consent Order, not under the facility's Hazardous Waste Permit
- 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

FILED 1st JUDICIAL DISTRICT COURT
Santa Fe County
2/24/2021 3:32 PM
KATHLEEN VIGIL CLERK OF THE COURT
Liliana Villalobos

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

NEW MEXICO ENVIRONMENT DEPARTMENT,
Complainant,
v. U.S. DEPARTMENT OF ENERGY,
Respondent.

Case assigned to Mathew, Francis J.
No.D-101-CV-2021-00386

COMPLAINT FOR ENFORCEMENT OF COMPLIANCE ORDER ON CONSENT

The New Mexico Environment Department (“NMED”), files this complaint seeking enforcement of a June 2016 Compliance Order on Consent (“2016 Consent Order”), attached as NMED Exhibit 1, issued pursuant to NMSA 1978, Section 74-4-10, and agreed and consented to by NMED and the U.S. Department of Energy (“DOE” or “the Respondent”), which addresses the cleanup of legacy hazardous and mixed waste at and around Los Alamos National Laboratory (“Facility”), located in Los Alamos, New Mexico. Respondent has yet to comply with the requirements of the 2016 Consent Order for the current annual planning period, despite attempts by NMED and DOE to reach agreement through dispute resolution. This failure by the Respondent has been a continuing pattern during the five years since the 2016 Consent Order came into force, and even prior to that, during the term of the prior (2005) Consent Order. This ongoing failure means that hazardous and radioactive substances continue to exceed standards and pose health risks to adjacent communities, that contaminated groundwater continues to pose a long-term threat to New Mexico’s drinking water sources, that tribal communities are unable to engage in longstanding cultural uses of their lands, and that recreational and economic activities in the area



Los Alamos National Laboratory Middle Delta Prime (“DP”) Road

1940s disposal practices at LANL



Debris found by DOE in 2020




- Nearby Material Disposal Area (MDA) B was used for disposal of hazardous and radioactive waste in mid-1940s
- MDA B was remediated in 2011 and land parcels were transferred from DOE to Los Alamos County
- Potentially hazardous and radioactive debris discovered near Middle DP Road in February 2020
- LANL is implementing NMED-approved Solid Waste Management Unit work plan; assessment report due April 2022



Waste Isolation Pilot Plant Shaft Public Hearing, May 2021

- Class 3 Permit Modification for new ventilation shaft, a component of the Permanent Ventilation System
- WIPP Permittees testified in support of the modification
- NMED experts testified in support of the draft permit, on the public notice process, and on the Temporary Authorization
- Six parties opposed to the modification provided technical testimony



A screenshot of a Zoom meeting grid showing approximately 15 participants. The grid includes names such as Pam Jones, megan.mclean, Christy Roybal, Peter Katal, Madal, rofml, U.S. DEPARTMENT OF ENERGY, Permittees, George Anatas, Scott Kovac, Gregory Chakulan, Lisa O'Grady, Rene Zappi, Lindsay Loney, Don Hancock, Christal Warkley, Stephanie Skirgalek, Chris Vigil, Joni Arends, CC..., daminon mecel..., and Dinorah Gutierrez. A U.S. Department of Energy logo is also visible in the grid.

Zoom platform

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Resource Protection Division Director

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✓ *Are you a skilled and motivated leader with strong problem-solving skills?*

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