

ONRT Mission Polluters pay for restoration, not taxpayers Seek compensation from polluters for injuries to natural resources caused by releases of hazardous substances Use compensation to restore natural Nitrate Perchlorate resources to pre-release condition Plutonium Strontium hromium Tritium Tritium Tritium **RADIATION AREA** Groundwater, surface water, drinking water, soil, sediments, fish, wildlife, Cesium Americium Nitrate wildlife habitat, aquatic habitat, Ba'ha'dzid - Doo Ko'ne'na'adaa'da Cesium Perchlorate **Abandoned Uranium Mines** Nitrate Plutonium biota, and air Strontiun Perchlorate Plutonium Tritium/ Strontium

Following a Release of Hazardous Substances Responsibility is Shared:

NMED: Remediation

NMED Requires Responsible Party to:

- (1) Identify and characterize the release(s); and
- (2) Clean up contamination to protect public health and the environment.



ONRT: Restoration

ONRT Requires Responsible Party to:

- 1) Restore injured natural resources to pre-release condition
- 2) When that's not possible in a timely way, replace or acquire the equivalent.
- 3) Compensate affected communities for loss of use from time of release to complete restoration





Natural Resource Damage Assessment and Restoration (NRDAR)

NRDAR is a process that allows ONRT to evaluate natural resource injuries caused by the release of hazardous substances into the environment.

Assessment

Evaluate and quantify natural resource injury

Determine type, scale, and cost of restoration needed

Negotiation

Engage with
Responsible
Parties to obtain
compensation for
natural resource
injuries

Restoration

With community input, plan and implement restoration actions

Compensate the public for losses

3 phases of a Natural Resource Damage Assessment (43 CFR 11.60) (1) "Injury Determination phase. The purpose of this phase is to establish that one or more natural resources have been injured as a result of ... a release of a hazardous substance."

(2) "Quantification phase. The purpose of this phase is to <u>establish</u> the extent of the injury to the resource in terms of the loss of services that the injured resource would have provided had the discharge or release not <u>occurred</u>." Includes "<u>establishing baseline conditions</u>, <u>estimating recovery periods</u>, and measuring the degree of service reduction stemming from an injury to a natural resource."

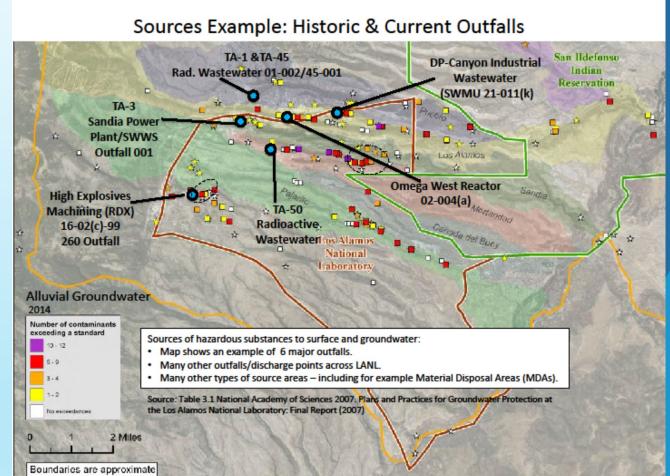
(3) "Damage Determination phase. The purpose of this phase is to establish the appropriate compensation expressed as a dollar amount for the injuries established in the Injury Determination phase and measured in the Quantification phase." These include "determining compensation based on the costs of restoration, rehabilitation, replacement, and/or acquisition of equivalent resources, plus, at the discretion of the authorized official, compensable value"

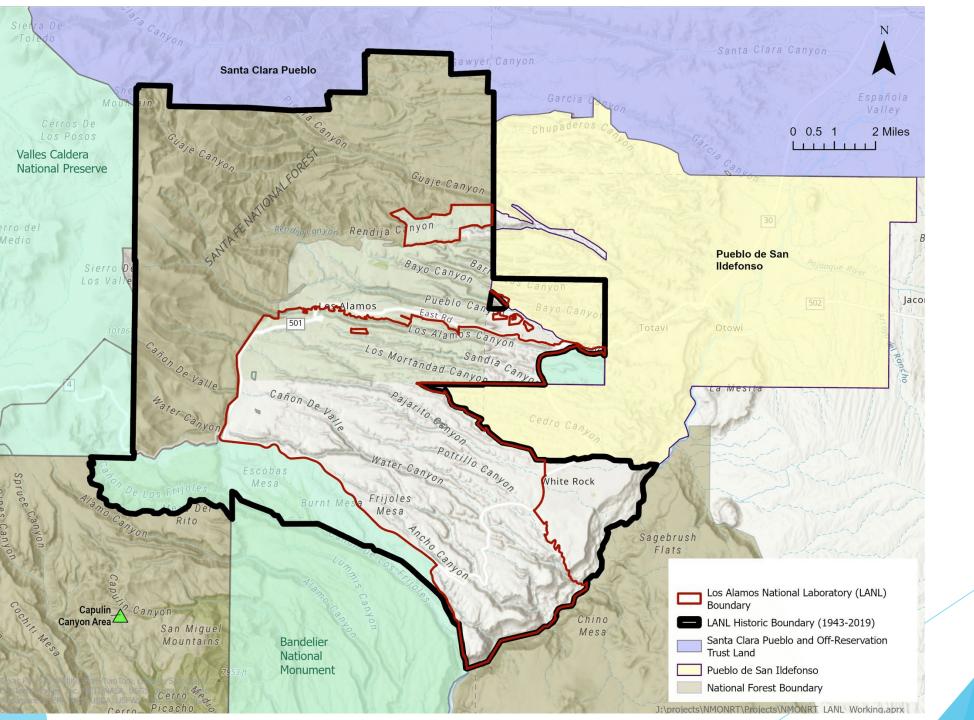
Los Alamos National Laboratory

Injuries:

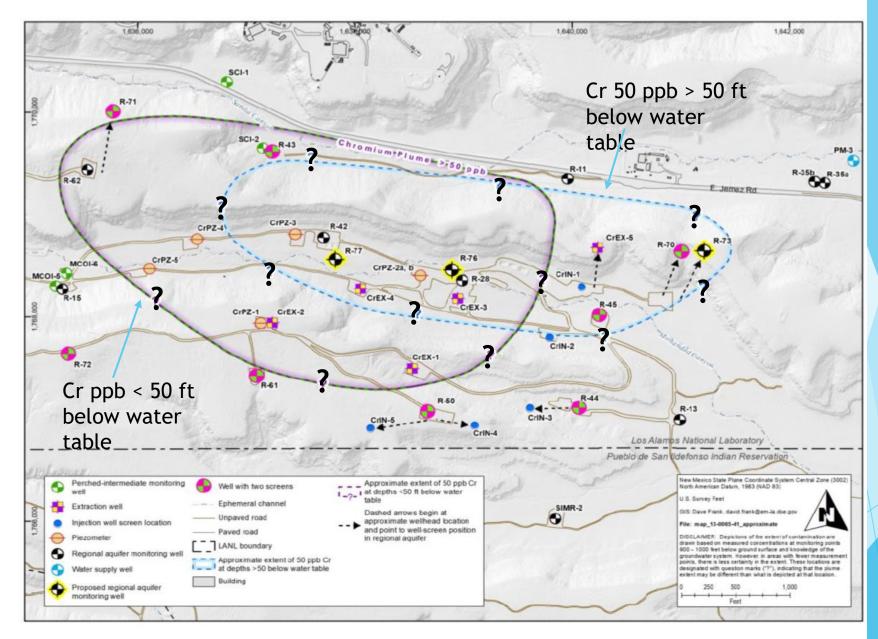
- groundwater, soils, surface water, and sediments contaminated with radiological substances, metals, and organic compounds cultural service losses
- PRP: DOE
- **Co-Trustees**
 - ONRT
 - Pueblo de San Ildefonso
 - Pueblo de Cochiti
 - Pueblo of Jemez
 - Santa Clara Pueblo
 - U.S. Forest Service
 - DOE (potentially responsible party)
- Status: Cooperative Damage Assessment

 - Cleanup and decommissioning ongoing Implementing the assessment activities described in 2014 Damage Assessment Plan
 - Early restoration working group
- Next steps
 - Complete injury assessment work and estimate damages
 - LANL TC collaborating to identify early restoration opportunities, contingent upon DOE funding



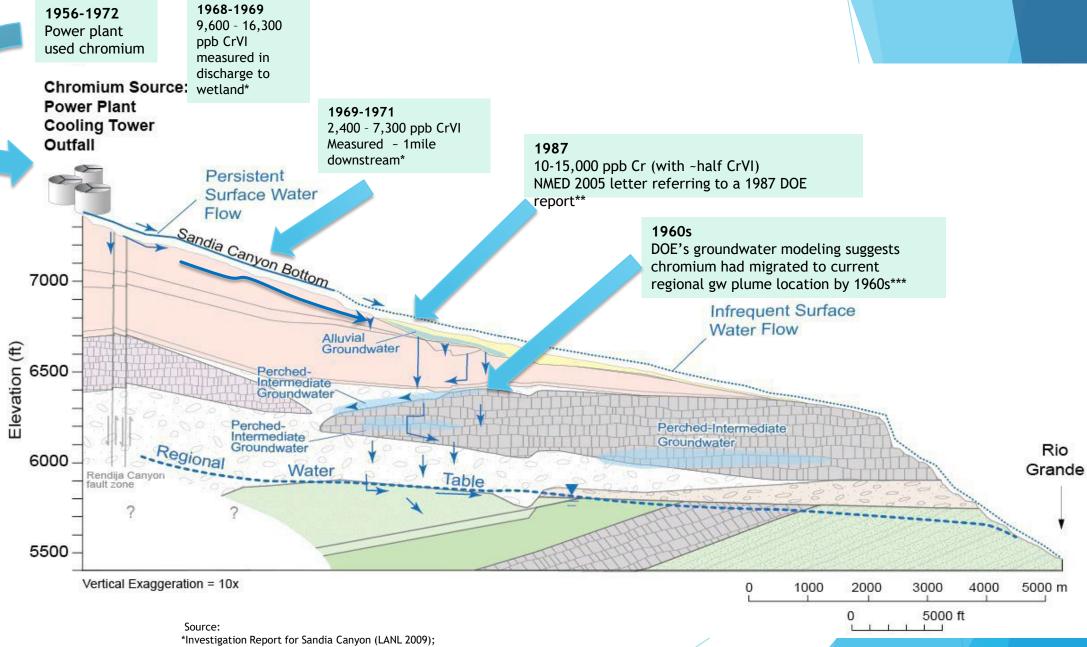


Historic and Current Boundaries



LANL 2021 Annual Site Report **LA-UR-22-29103**

Figure 5-9. Approximation of the chromium plume footprint in the regional aquifer, as defined by the 50 microgram per liter New Mexico Environment Department groundwater standard



^{**}NMED 2005 letter to DOE "Interim measures work plan requirement groundwater contaminants detected in the regional aquifer at R-28"

^{***}Chromium Compendium, Attachment 9, GW modeling status report (LA-UR-18-21450)

Natural Resource Damages: Impact of Time

Damages are "calculated based on injuries occurring from the onset of the release through the recovery period, less any mitigation of those injuries by response actions taken or anticipated, plus any increase in injuries that are reasonably unavoidable as a result of response actions ..."

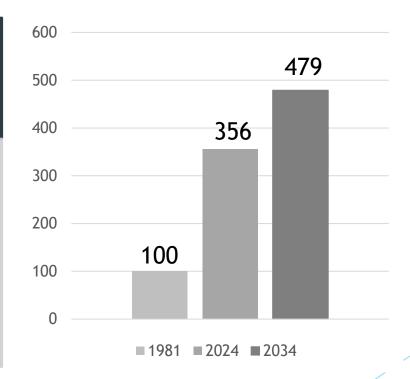
- 43 CFR 11.15(a)(1)

Damages Accrue Over Time - The Cost of Delay

Effect of delaying claim resolution: Accrual of additional debit, due to increased time over which the injury is suffered and 3% discount rate

Example: Present value of 100 ac-ft of groundwater injured in 1981

- 1981 = 100 ac-ft
- 2016 = 281 ac-ft
- 2024 = 356 ac-ft
- 2029 = 413 ac-ft
- \bullet 2034 = 479 ac-ft



ONRT Settlements = \$45,341,226



- Gold King Mine Release
 - US EPA Contractors \$2,000,000 (Dec 2022)
 - United States EPA \$10,000,000 (June 2022)
 - Kinross Gold: \$1,000,000 (Jan 2021)
- Ft Wingate Army Depot/DOD \$1,451,069 (March 2022)
- Fronk Oil/Cimarron River: \$150,000 (Dec 2020)
- Freeport-McMoRan Groundwater: Chino, Cobre, and Tyrone Mines (\$12,794,308)
- Freeport-McMoRan Wildlife and Wildlife Habitat: Chino, Cobre, and Tyrone Mines (\$5,500,000)
- AT&SF: Albuquerque's South Valley Tie Treater Facility (\$989,417)
- South Valley Superfund Site: Various Parties in Albuquerque's South Valley (\$4,857,548)
- Sparton Technology: Albuquerque Facility (\$1,000,000)
- SOHIO Western Mining L-Bar: Tailings Facility near Moquino, (\$29,830)
- AT&SF: Clovis Rail Yard (\$404,456)
- Van Waters & Rogers: Albuquerque's South Valley Facility (\$135,000)
- ASARCO (Five Facilities): Blackhawk Mine near Hanover, (\$1,029,598)
- Chevron Moly Mine: Questa, (\$4,000,000)

\$13 million Gold King. Mine Restoration 11/15/2024 Update



City of Aztec, North Main Wastewater• Management Infrastructure (\$480,000) MOA; work has begun

City of Aztec, Rehabilitation of Raw • Water Reservoir 1 (\$950,000) complete

City of Farmington, Whitewater Wave and Irrigation Diversion Dam at Farmington Gateway Park (\$2,000,000) MOA; 100% design complete

Navajo Nation Department of Fish and Wildlife, Nenahnezad Chapter San Juan River Boat Ramp (\$65,575) complete

NM Interstate Stream Commission, San Juan River Water Lease Agreement with Jicarilla Nation (\$1,803,000) MOA; 1st release in FY25/at low flow

New Mexico State Parks Division, Aquatic Invasive Species Station on San Juan River Quality Waters (\$205,226) MOA in procress; work to begin Summer/Fall 2025

San Juan County, San Juan River Public Boat Ramps and Park Improvements (\$681,440) MOA; work to begin Spring/Summer 2025 San Juan County, San Juan River Public Boat Ramps and Park Improvements (\$681,440) MOA; work to begin Spring/Summer 2025

San Juan County, San Juan County Extension Service Office Building (\$2,300,000) MOA; work to begin Summer 2025

San Juan County, Water and Wastewater Improvements for the Totah Subdivision (\$1,000,000) under construction

San Juan Soil and Water Conservation District, Irrigation Ditch Diversion Project (\$1,616,600) under construction

Cedar Hill Boat Ramp on the Animas River - San Juan County \$160,000 complete

Festival and Farmer's Market Pavilion at Gateway Park - City of Farmington \$300,000 under construction

San Juan Valley Soil Health Restoration Project - San Juan County Soil and Water Conservation District \$280,000 in progress; work ongoing

Agricultural Irrigation System Upgrade Project - Tse Daa Kaan (Hogback) Navajo Community. \$250,000 IGA in process



GKM: City of Aztec Reservoir 1 Rehabilitation September 29, 2024

City of Aztec dedicates Reservoir 1



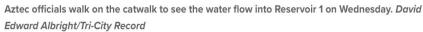


City's primary water storage facility is filling with water

By David Edward Albright Tri-City Record

Friday, Sep 27, 2024 2:35 PM Updated Friday, Sep. 27, 2024 2:35 PM







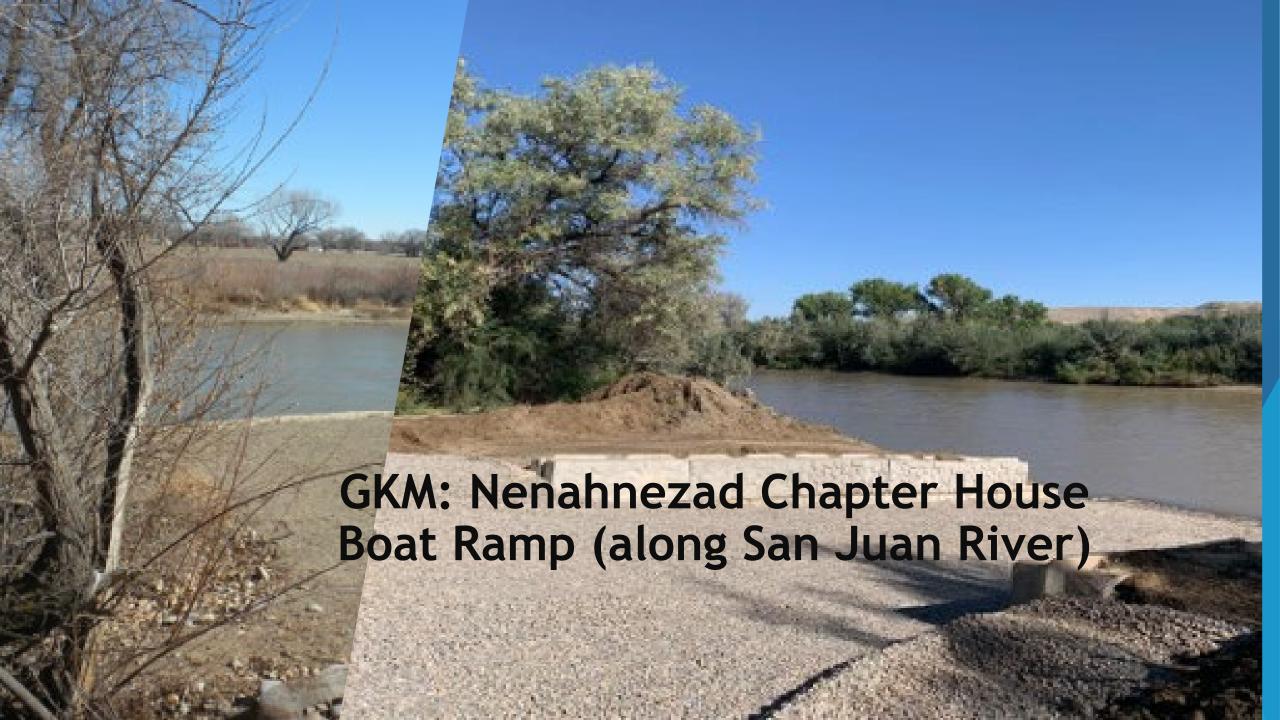
Aztec officials and Natural Resources Trustee Maggie Hart Stebbins on Wednesday celebrated the completion of Reservoir 1, the city's primary water storage facility, by opening a valve to release the water into the reservoir, which that had been out of use since 2020.

Mayor Mike Padilla opened the proceedings at Reservoir 1, east of the Aztec water treatment plant, 201 Navajo Dam Road, about 1:30 p.m. City officials consider the \$4.45 million project a major accomplishment.

"First of all, I'd like to thank everybody for coming today. This is a huge accomplishment for

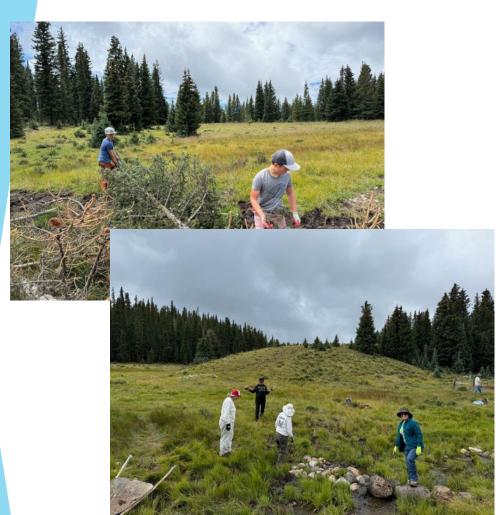


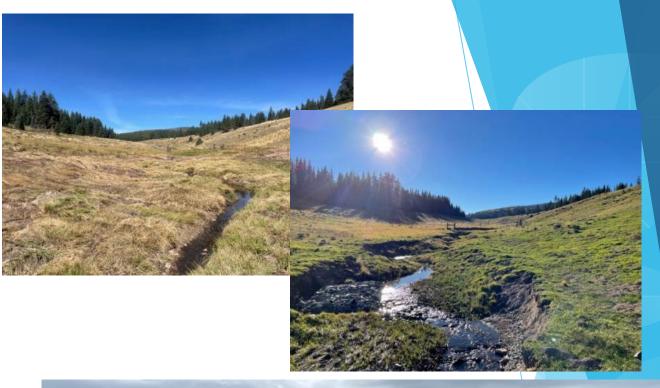






Amigos Bravos Midnight Meadows







Current and Anticipated Natural Resource Damage Assessments



Current NRDAs

- Los Alamos National Laboratory
- NASA White Sands Test Facility
- Rio Algom Quivira Uranium Mill and Mine Sites
- PFAS MDL: Cannon AFB; Holloman AFB

Anticipated New NRDAs

- 1. Uranium Grants Mining District, multiple sites
- 2. Uranium North East Church Rock
- 3. PFAS MDL: White Sands Missile Range; Kirtland AFB; Fort Wingate



Questions?

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https://onrt.env.nm.gov

