

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

**August 5, 2022  
Enchantment Ballroom 1  
Clovis Civic Center  
801 Schepps Boulevard  
Clovis**

The second meeting of the Radioactive and Hazardous Materials Committee was called to order by Senator Jeff Steinborn, chair, on August 5, 2022 at 9:21 a.m. in the Enchantment Ballroom at the Clovis Civic Center in Clovis.

**Present**

Sen. Jeff Steinborn, Chair  
Rep. Joanne J. Ferrary, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Cathrynn N. Brown  
Sen. David M. Gallegos  
Rep. Stefani Lord  
Sen. Shannon D. Pinto  
Sen. Nancy Rodriguez  
Rep. Debra M. Sariñana

**Absent**

Rep. Christine Chandler  
Sen. Gay G. Kernan  
Sen. Brenda G. McKenna

**Advisory Members**

Sen. Joshua A. Sanchez

Sen. Ron Griggs  
Sen. Harold Pope  
Sen. Gregg Schmedes  
Rep. James G. Townsend

**Guest Legislators**

Sen. Pat Woods  
Rep. Martin R. Zamora

**Staff**

Tom Kricka, Staff Attorney, Legislative Council Service (LCS)  
Sara Wiedmaier, Research Assistant, LCS  
Hexuan Li, 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.

## **Friday, August 5**

### **Welcome and Introductions (9:21 a.m.)**

Senator Steinborn welcomed everyone and invited members of the committee to introduce themselves. Chris Bryant, mayor pro tempore, City of Clovis, welcomed the committee to Clovis.

### **Waste Isolation Pilot Plant (WIPP) Operations, Plutonium Storage and Shipments and Pending Permit Modifications (9:31 a.m.)**

Reinhard Knerr, manager, Carlsbad Field Office, United States Department of Energy (DOE); Don Hancock, administrator, Nuclear Waste Program, Southwest Research and Information Center; Chris Catechis, acting director, Resource Protection Division, Department of Environment (NMED); and Eletha Trujillo, WIPP bureau chief, New Mexico Radioactive Waste Consultation Task Force, Energy, Minerals and Natural Resources Department (EMNRD), discussed current site operations at the WIPP and future project plans; concerns regarding permit renewal and future expansion; and safety initiatives, procedures, training and oversight by the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/5/2022&ItemNumber=1>.

### **Motion to Send a Letter to the DOE Regarding Plans for Nuclear Waste Production (11:10 a.m.)**

On a motion made by Senator Rodriguez, seconded by Representative Ferrary and without objection, the committee voted to send a letter to the DOE to inquire about plans for future production, shipping and storage of nuclear waste and to request transparency and the opportunity for public input and questions. A draft of the letter was requested to be sent to all committee members for final approval before sending to the DOE.

### **Public Comment (11:16 a.m.)**

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

### **Per- and Polyfluoroalkyl Substances (PFAS) Contamination (11:25 a.m.)**

James C. Kenney, secretary, NMED; Bruce Baizel, general counsel, NMED; Cholla Khoury, chief deputy attorney general of Civil Affairs, Office of the Attorney General; Art

Schaap, Owner, Highland Dairy; Walter Bradley, director of Government and Business Relations for the Southwest Area, Dairy Farmers of America; and Ryan Miltner, counsel, Dairy Producers of New Mexico, discussed PFAS toxicity, health concerns, Environmental Protection Agency standards and ongoing litigation with Cannon Air Force Base. They shared examples and personal stories of the impact of PFAS contamination on the Clovis area, especially on the agriculture industry. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/5/2022&ItemNumber=2>.

**Motion to Send a Letter to the President of the United States and Others Regarding PFAS Remediation (1:12 p.m.)**

On a motion made by Representative Ferrary, seconded by Senator Rodriguez and without objection, the committee voted to send a letter to the president of the United States and send copies to the Secretary of Defense, the New Mexico congressional delegation and the relevant military bases to request a more coordinated effort toward and funding for PFAS remediation.

**Motion to Send a Letter to the Legislative Finance Committee Regarding Funding for PFAS Remediation (1:14 p.m.)**

On a motion made by Senator Rodriguez, seconded by Representative Sariñana and without objection, the committee voted to send a letter to the Legislative Finance Committee director, chair and members requesting that funding be dedicated to the NMED and the Office of the Attorney General for the purpose of PFAS remediation.

**Public Comment (1:16 p.m.)**

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

**Holtec International's Consolidated Interim Storage Facility Nuclear Regulatory Commission Permit Status and State Permitting Requirements (1:59 p.m.)**

Ed Mayer, project director, Holtec International; Mr. Baizel; Rebecca Roose, deputy secretary of administration, NMED; and Ms. Khoury provided an overview of the background and need for an interim storage depository for the nation's spent nuclear fuel. The panel discussed environmental and safety concerns and community input regarding the transportation and storage of nuclear waste, Nuclear Regulatory Commission licensing requirements, state and federal coordination and litigation and potential legislation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/5/2022&ItemNumber=3>.

**Public Comment (3:38 p.m.)**

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

**Implementation of the Produced Water Act (4:13 p.m.)**

Adrienne Sandoval, director, Oil Conservation Division, EMNRD, and Ms. Roose gave an overview of produced water in New Mexico and the requirements under the Produced Water Act. They discussed the rulemaking processes and regulatory jurisdictions of the NMED and the Oil Conservation Division and updated the committee on ongoing research and changes to reporting and cleanup requirements. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/5/2022&ItemNumber=4>.

**Report from the Carlsbad Brine Well Remediation Authority (5:03 p.m.)**

Ms. Sandoval provided a brief history of and update on the Carlsbad brine well remediation, ongoing monitoring, activity and site restoration. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20080522%20Item%205%20Carlsbad%20Brine%20Well.pdf>.

**Approval of Minutes (5:12 p.m.)**

On a motion made by Representative Brown, seconded by Representative Ferrary and without objection, the minutes of the June 22, 2022 meeting were approved as submitted.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 5:13 p.m.