

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

**June 12, 2013
Room 311, State Capitol
Santa Fe**

D The first meeting of the Radioactive and Hazardous Materials Committee was called to order by Senator Peter Wirth, chair, on June 12, 2013 at 10:04 a.m. in Room 311 of the State Capitol.

Present

Sen. Peter Wirth, Chair
Rep. Eliseo Lee Alcon, Vice Chair
Rep. Thomas A. Anderson
Rep. David M. Gallegos
Rep. Stephanie Garcia Richard
Sen. Richard C. Martinez
Rep. Jim R. Trujillo

Absent

Rep. Cathrynn N. Brown
Sen. Carlos R. Cisneros
Sen. Gay G. Kernan
Sen. Carroll H. Leavell
Sen. John Pinto

Advisory Members

Rep. Donald E. Bratton
Sen. Nancy Rodriguez
Rep. Nick L. Salazar

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Sen. William F. Burt
Rep. Brian F. Egolf, Jr.
Rep. William "Bill" J. Gray
Sen. Ron Griggs
Sen. Stuart Ingle
Sen. Daniel A. Ivey-Soto
Rep. Emily Kane
Sen. Michael Padilla
Sen. William H. Payne
Sen. Clemente Sanchez
Sen. Lisa A. Torraco

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Staff

Gordon Meeks, Legislative Council Service (LCS)
Cassandra Jones, LCS

Guests

The guest list is in the meeting file.

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Handouts

Handouts and written testimony are in the meeting file.

Wednesday, June 12

Members of the committee introduced themselves. Senator Wirth noted that due to meeting conflicts, a number of members would not be present.

Interim Committee Procedures

Raúl E. Burciaga, director of the LCS, provided the committee with an overview of interim committee protocols. He referred the committee to a tentative interim committee calendar created by the LCS.

Mr. Burciaga told the committee that:

- the committee is bound by a "blocking provision", which states that no action shall be taken by the committee if a majority of the total membership from either house rejects the action;
- advisory members are nonvoting members of the committee;
- some action can be done by consensus, but formal action, such as endorsing legislation or issuing a letter reflecting the committee's opinion, should be done upon a motion and a vote of the voting members with a quorum present;
- votes can be done by voice, a show of hands or by the chair asking whether there is objection to the motion;
- a quorum consists of a majority of the voting members of the committee;
- a committee can meet under certain conditions without a quorum present and take testimony, but it cannot take any formal action; and
- committees must meet in the State Capitol after September 30, unless specifically approved to do otherwise by the New Mexico Legislative Council.

Department of Environment

Ryan Flynn, secretary-designate of the Department of Environment (NMED), introduced staff present. He told the committee that, in the days before the meeting, his staff responded to a water shortage in Magdalena. He reported that progress is being made and that one well is online with another expected to be online very soon. He told the committee that the NMED is working with at-risk communities to prevent the same issue occurring somewhere else.

Secretary-Designate Flynn gave the committee an update on the status of the Los Alamos National Laboratory (LANL) cleanup, the Waste Isolation Pilot Plant (WIPP) permit and modification requests and the Kirtland Air Force Base (KAFB) fuel spill. He told the committee that the 2011 Las Conchas wildfire burned more than 150,000 acres and threatened LANL. The NMED is tasked with working with the federal government to prioritize and clean up several sites, including the disposal of above-ground transuranic legacy waste on LANL property and to protect the regional water resources. The consent order agreed upon by LANL and the NMED contained a completion date of December 2015 that is unlikely to be met, and LANL wishes to renegotiate the consent order schedule. The Buckman Direct Diversion Project is being closely monitored in order to prevent the contamination of drinking water.

Secretary-Designate Flynn told the committee that the current WIPP permit became effective on December 30, 2010. Since the permit became effective, a few modifications have been made and others are pending.

The KAFB fuel facility spill resulted when the fuel storage and distribution system, which was constructed around 1952, began to leak, most likely from the ancillary piping. Aviation gas and jet fuel were released. The estimated amount of fuel released ranges from 8 million to 24 million gallons. The dissolved-phase ground water contamination plume is approximately 6,900 feet long and 1,000 feet wide. The floating product is estimated to be one-half mile long and 1,000 feet wide. The northern margin of the plume was determined by three well clusters installed in October 2012. The vertical extent of the plume is not yet defined. Interim measures for containing the contamination include a soil vapor extraction unit currently in operation. Secretary-Designate Flynn told the committee that, in the future, the NMED plans to continue working on interim measures, to evaluate and implement additional interim measures if necessary and appropriate, to further characterize the saturation zone and to restore the ground water as quickly as possible.

Members of the committee discussed and asked questions about:

- the restoration of wells;
- the boundaries of the plume;
- what happens if the plume reaches production wells;
- interim measures to reduce the impact of the spill;
- the soil vapor extraction unit and how it works; and
- vulnerable community assessments.

2013 Interim Work Plan and Meeting Schedule

Senator Wirth referred the committee to the statutory creation of the committee. He explained that the proposed work plan includes the committee's statutory duties and is a minor modification of the 2012 work plan. He noted that the committee has a joint meeting with the Science, Technology and Telecommunication Committee scheduled for July. He requested the committee's input regarding topics on the work plan as well as meeting days and travel locations. Members of the committee discussed and decided to proceed with the proposed work plan as written.

Adjournment

There being no further business before the committee, the first meeting of the Radioactive and Hazardous Materials Committee adjourned at 11:57 a.m.