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## FISCAL IMPACT REPORT

SPONSOR Muñoz LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 02/14/2025  
BILL  
SHORT TITLE Uranium Waste Disposal NUMBER Senate Bill 316  
ANALYST Rommel

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
NMED	No fiscal impact	\$1,200.0 to \$4,000.0	\$1,200.0 to \$4,000.0	\$2,400.0 to \$8,000.0	Recurring	Other state funds

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 333, Senate Bill 260, and Senate Bill 276.

### Sources of Information

LFC Files  
Bureau of Geology and Mineral Resources

Agency Analysis Received From  
Department of Environment (NMED)  
Energy Minerals and Natural Resources Department (EMNRD)  
New Mexico Attorney General (NMAG)

## SUMMARY

### Synopsis of Senate Bill 316

Senate Bill 316 (SB316) directs that uranium tailings and uranium waste from the mining, milling, or processing of uranium ore in New Mexico shall only be disposed of in federally managed underground depositories designed for the containment of hazardous waste. No state agency shall issue a permit for disposing of uranium tailings or uranium waste other than at a federally managed underground facility designed to contain hazardous waste.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, June 20, 2025.

## FISCAL IMPLICATIONS

SB316 contains no appropriation.

The Energy, Minerals and Natural Resources Department (EMNRD) notes that there are 261 uranium mines and 8 mills on non-federally managed land in New Mexico. According to the

New Mexico Environment Department (NMED), the state will only assume responsibility for the costs of remediating a site if:

- The mine or mill is not located on federally-managed land;
- The responsible party for the mine or mill is unable or unwilling to remediate the site; and
- The federal government has not assumed responsibility and is not signaling it will assume responsibility for remediating the site.

This analysis assumes that the state will eventually assume remediation responsibility for 10 percent (27) of the 268 of the sites located on non-federally managed lands in New Mexico. In analysis for Senate Bill 260, NMED estimates the cost of mine remediation to range between \$4 and \$12 million. NMED further estimates that SB316 would increase current remediation costs by at least 30 percent. SB316's impact on total mine and mill remediation costs could therefore be between \$32.4 and \$108 million. This analysis assumes that the state will undertake one additional site remediation per year.

## **SIGNIFICANT ISSUES**

SB316 could limit reclamation activities on the roughly 261 uranium mines and 8 mills on any New Mexico land that aren't federally managed. Current reclamation techniques may include in-situ encapsulation of mine tailings to prevent radioactive dust and/or radon propagation and groundwater contamination. It is unclear whether these activities could be construed as disposal pursuant to SB316, or if disposal involves transportation from the original waste site.

EMNRD notes that SB316 would prohibit reclamation of uranium waste rock at the Quivira Mine on the Navajo Nation. EPA Region 9 recently announced a preferred alternative to transport uranium waste rock from the Quivira Mine to private land owned and operated by the Northwest New Mexico Solid Waste Authority's Red Rock disposal site near Thoreau, New Mexico. This alternative is not allowed under SB316.

NMED notes there are no federally managed underground repositories in New Mexico for uranium mine wastes, and the proposed bill could halt uranium mine reclamation efforts indefinitely. There are currently no pathways that NMED is aware of for the federal government to site and establish a federally managed uranium mine waste repository or repositories.

EMNRD comments on the effect SB316 would have on reclamation efforts:

Section 1(A) of SB316 states "Uranium tailings and uranium waste from mining, milling, or processing of uranium ore in New Mexico shall only be disposed of in federally managed underground depositories...." It is important to note that there are currently no federal underground depositories for uranium mine waste.

SB 316 would greatly diminish the ability for the EMNRD Mining and Minerals Division FTE Uranium Coordinator position to initiate and implement reclamation of the approximate 261 abandoned uranium mines in New Mexico. The Uranium Coordinator position was created by [Laws 2022 Chapter 26] to lead the charge for abandoned uranium mine cleanup. SB 316 undermines uranium mine reclamation by imposing land use restrictions (federal land only) and by imposing extremely high environmental standards by having to design to a hazardous waste level of environmental protectiveness.

NMED further notes:

The bill does not define what types of uranium wastes are being considered. It is important to define what type of waste is involved, whether it is waste rock (overburden), low-grade ore, mine related, mill (tailings) related, transuranic, enriched, medical, industrial, or other, given that different federal and/or state agencies are involved depending on the type of waste. Additionally, some uranium related wastes such as waste rock and low-grade ore are not considered hazardous materials and would not be appropriate for a hazardous waste landfill.

There is no definition of what is meant by an underground repository. Underground repositories (such as Yucca Mountain or WIPP) are distinct in that they are deep underground and involve workings that may (or may not) pose risk to groundwater, whereas subsurface or below grade repositories (such as landfills) are near-surface repositories with evapotranspirative (ET) covers (such as at some mill tailings or mine waste repositories in NM) and may present in their final form as small hills in the landscape.

## **ADMINISTRATIVE IMPLICATIONS**

NMED comments on the regulatory landscape for uranium mine and mill wastes:

Currently there are over 100 million cubic yards of mine and mill waste within New Mexico that are being regulated and characterized by the state, EPA Region 6, EPA Region 9, the Nuclear Regulatory Commission (NRC), and the Department of Energy (DOE) Legacy Management and Defense-Related Uranium Mines Program. Uranium mill tailings are regulated by the NRC during operations and by DOE for long term care following operations. Other metal mill tailings are managed under NMED discharge permits and abatement plans with no federal oversight. Near-surface reclamation sites of uranium and many other mines waste materials are currently in place throughout the state and are performing as designed; these disposal locations may need to be redone at considerable expense if this bill passes. At some locations, oversight and performance monitoring of wastes that remain in place, or are consolidated into larger waste units, are under both state and federal jurisdiction and management. Continuation of the overlapping jurisdiction is critical for the future protection of human health and the environment.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

House Bill 333 and Senate Bill 260 both appropriate \$50 million in FY26 through FY28 to assess and clean up abandoned or neglected contaminated sites, including abandoned uranium mining sites, across the state that do not have viable responsible parties to fund and conduct cleanup actions.

Senate Bill 276 appropriates \$2 million to the uranium mining reclamation fund in FY26 and subsequent fiscal years for conducting uranium mine and mill reclamation activities.

## **OTHER SUBSTANTIVE ISSUES**

NMED notes disposal of large quantities of waste produced in mining and milling have a substantial environmental impact, owing to the long half-lives and the ready availability of toxic radionuclides and other heavy metals.<sup>1,2</sup>

To date, two New Mexican uranium mills have been remediated. The Phillips Uranium Mill in Ambrosia Lakes cost \$40 million to remediate 3.1 million tons of tailings, the Shiprock Mill cost \$25 million to remediate 1.7 million tons of tailings, and Homestake Mill with its 22 million tons of tailings to remediate and the groundwater issues will probably far exceed the \$56 million suggested by the [Nuclear Regulatory Commission]. There are many sites in New Mexico that require significant remediation. These include areas that may already have had some remediation such as Jackpile Mine [near Laguna Pueblo] and surrounding mines.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

EMNRD and NMED will continue to implement reclamation of abandoned uranium mine waste on all private, state and federal lands in New Mexico.

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<sup>1</sup> <https://www.env.nm.gov/data/>

<sup>2</sup> IAEA Bulletin, Vol. 23, No. 2 (iaea.org)