



NEW MEXICO LEGISLATURE

**RADIOACTIVE AND
HAZARDOUS MATERIALS
COMMITTEE**

2023 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE
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TABLE OF CONTENTS

INTERIM SUMMARY

WORK PLAN AND MEETING SCHEDULE

AGENDAS AND MINUTES

INTERIM SUMMARY

Radioactive and Hazardous Materials Committee 2023 Interim Summary

The Radioactive and Hazardous Materials Committee held five meetings during the 2023 interim.

At the first meeting in Santa Fe, the committee heard from the Office of Natural Resources Trustee (ONRT) on the office's role in restoring resources affected by the release of radioactive and hazardous materials. The Department of Environment (NMED) and the State Land Office presented on the regulation of radioactive and hazardous materials. The Energy, Minerals and Natural Resources Department (EMNRD) provided information on the working group for the Waste Isolation Pilot Plant (WIPP) Transportation Safety Program and highlighted achievements in the training of emergency responders, medical personnel and volunteers along the WIPP shipping corridor.

At the second meeting in Los Alamos, the United States Department of Energy, the NMED, the ONRT and Concerned Citizens for Nuclear Safety discussed the chromium plume cleanup and other environmental issues in the Los Alamos area. Advocate groups presented on the issues concerning people impacted by the Trinity nuclear test. The Defense Nuclear Facilities Safety Board presented a report on activities to fulfill the board's statutory mission of providing independent analysis, advice and recommendations to the United States secretary of energy for the purpose of providing adequate protection of public health and safety at defense nuclear facilities. Discussion was also held on the transportation of weapons-grade plutonium in the state. In addition, the committee heard about issues concerning Los Alamos National Laboratory, including legacy environmental cleanup and plutonium pit production.

The third meeting in Las Cruces included a report from the State Emergency Response Commission and discussions regarding policy issues in nuclear medicine by the NMED and Eden Radioisotopes. The ONRT, NMED and Dona Ana Soil and Water Conservation District presented on the progress of cleanup and restorative measures at the White Sands Test Facility.

The fourth meeting was held in Carlsbad and included discussions on per- and polyfluoroalkyl substances (PFAS) contamination, ongoing PFAS-related litigation and PFAS-related rulemaking. An update was provided by the EMNRD on the remediation of the Carlsbad Brine Well site. Separate panels were held regarding various policy issues on the storage of nuclear materials in the state, produced water use in the state and the reuse of water produced from oil and gas operations. Lastly, Kirtland Air Force Base (KAFB) and the NMED discussed the cleanup of the jet fuel spill at KAFB.

At the final interim meeting in Santa Fe, the committee heard about the use of PFAS in oil and gas operations. Panels were held to discuss issues relating to orphaned wells and financial assurance, uranium mine and mill site reclamation and abandoned contaminated sites, including dry cleaners. In addition, the NMED provided an update on the San Juan Generating Station cleanup, and the committee discussed a proposed constitutional amendment to provide the people of New Mexico with additional environmental rights.

WORK PLAN AND MEETING SCHEDULE

**2023 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

Members

Rep. Joanne J. Ferrary, Chair
Sen. Jeff Steinborn, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Cathrynn N. Brown
Rep. Christine Chandler
Sen. David M. Gallegos

Rep. Stefani Lord
Sen. Brenda G. McKenna
Sen. Shannon D. Pinto
Sen. Nancy Rodriguez
Sen. Joshua A. Sanchez
Rep. Debra M. Sariñana

Advisory Members

Rep. John Block
Sen. Ron Griggs

Rep. D. Wonda Johnson
Sen. Harold Pope

Approved Work Plan

The Radioactive and Hazardous Materials Committee was created in 1979 pursuant to the provisions of the Radioactive and Hazardous Materials Act. During the 2023 interim, pursuant to Section 74-4A-11 NMSA 1978, the committee will review, as scheduling permits:

- A. chromium plume cleanup and other environmental management issues;
- B. a report from the Defense Nuclear Facilities Safety Board;
- C. plutonium pit production and other Los Alamos National Laboratory projects;
- D. weapons-grade plutonium transport;
- E. issues concerning downwinders;
- F. a report from the State Emergency Response Commission;
- G. policy issues in nuclear medicine;
- H. White Sands Test Facility cleanup;
- I. a proposed green amendment to the Constitution of New Mexico;
- J. nitrogen and hydrogen energy production;
- K. a report from the Carlsbad Brine Well Remediation Authority;
- L. per- and polyfluoroalkyl substances contamination, rulemaking and litigation;

- M. produced water and water reuse;
- N. interim storage of nuclear materials;
- O. San Juan Generating Station cleanup;
- P. uranium mine and mill site reclamation;
- Q. abandoned contaminated sites, including dry cleaners;
- R. proposed changes to federal mining laws; and
- S. Kirtland Air Force Base fuel leak cleanup.

**Radioactive and Hazardous Materials Committee
2023 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 15	Santa Fe
August 21	Los Alamos
September 15	Las Cruces
October 10	Carlsbad
December 1	Santa Fe

AGENDAS AND MINUTES

Revised: June 8, 2023

**TENTATIVE AGENDA
for the
FIRST MEETING
of the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**June 15, 2023
State Capitol, Room 326
Santa Fe**

Thursday, June 15

- 9:00 a.m. **Call to Order and Introductions**
—Representative Joanne J. Ferrary, Chair, Radioactive and Hazardous
Materials Committee (RHMC)
- 9:15 a.m. (1) **Discussion of the 2023 Work Plan and Meeting Schedule**
—RHMC Members
- 10:00 a.m. (2) **Overview of the Office of Natural Resources Trustee's Role in
Restoring Resources Affected by the Release of Radioactive and
Hazardous Materials**
—Maggie Hart Stebbins, Natural Resources Trustee, Office of Natural
Resources Trustee
—Kate Girard, Executive Director, Office of Natural Resources Trustee
- 10:45 a.m. (3) **Overview of the Department of Environment's (NMED's) Regulation of
Radioactive and Hazardous Materials**
—Rick Shean, Director, Resource Protection Division, NMED
—Santiago Rodriguez, Chief, Radiation Control Bureau, Environmental
Protection Division, NMED
- 11:30 a.m. (4) **Waste Isolation Pilot Plant Transportation Program**
—Jeremy Lewis, Acting Director, Energy Conservation and Management
Division, Energy, Minerals and Natural Resources Department
- 12:15 p.m. **Lunch**
- 1:15 p.m. (5) **Overview of the State Land Office's Role in the Regulation of
Radioactive and Hazardous Materials**
—Sunalei Stewart, Deputy Commissioner of Operations, State Land Office
- 2:00 p.m. **Public Comment**
- 2:30 p.m. **Adjourn**

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

**June 15, 2023
State Capitol, Room 326
Santa Fe**

The first meeting of the Radioactive and Hazardous Materials Committee was called to order by Senator Jeff Steinborn, vice chair, on Thursday, June 15, 2023, at 9:43 a.m. in Room 326 of the State Capitol in Santa Fe.

Present

Rep. Joanne J. Ferrary, Chair
Sen. Jeff Steinborn, Vice Chair
Rep. Eliseo Lee Alcon
Sen. David M. Gallegos
Rep. Stefani Lord
Sen. Brenda G. McKenna
Sen. Nancy Rodriguez
Sen. Joshua A. Sanchez
Rep. Debra M. Sariñana

Absent

Rep. Cathrynn N. Brown
Rep. Christine Chandler
Sen. Shannon D. Pinto

Advisory Members

Sen. Harold Pope

Rep. John Block
Sen. Ron Griggs
Rep. D. Wonda Johnson

Guest Legislator

Rep. Jenifer Jones

Staff

Tom Kricka, Staff Attorney, Legislative Council Service (LCS)
Sara Wiedmaier, Researcher, LCS
Ian Carrillo, Intern, LCS
Angela Dakan, Staff, 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, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Thursday, June 15

Welcome and Introductions (9:43 a.m.)

Senator Steinborn welcomed the committee, and members of the committee, staff and audience introduced themselves.

Overview of the Office of Natural Resources Trustee's (ONRT's) Role in Restoring Resources Affected by the Release of Radioactive and Hazardous Materials (9:49 a.m.)

Maggie Hart Stebbins, natural resources trustee, ONRT, and Kate Girard, executive director, ONRT, presented an overview of the office's mission, its role in the restoration of injured natural resources and its shared responsibility with the Department of Environment (NMED) to stop contamination and to hold polluters accountable.

Ms. Hart Stebbins and Ms. Girard discussed three current cases and several potential new cases undergoing natural resource damage assessments. They also discussed some of the claim settlements that have been reached with polluters through the federal Superfund Act and other state and federal laws and the restoration projects created from and funded by those settlements. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20061523%20Item%202%20ONRT%20Overvie1.pdf>.

Discussion of the 2023 Work Plan and Meeting Schedule (10:44 a.m.)

Mr. Kricka presented the proposed 2023 interim work plan and meeting schedule, and committee members discussed the plan and gave input on additional topics of focus. On a motion duly made and seconded, and without objection, the committee voted to approve the work plan and meeting schedule.

Overview of the NMED's Regulation of Radioactive and Hazardous Materials (10:56 a.m.)

Rick Shean, director, Resource Protection Division, NMED, presented an overview of the NMED's regulation of radioactive and hazardous materials and what its authority is at high-profile facilities such as Los Alamos National Laboratory (LANL) and the Waste Isolation Pilot Plant (WIPP). He provided updates on permit renewal applications submitted by LANL and WIPP, legacy waste cleanup at LANL and the department's work with the United States Air Force to remediate the ground water and soil contamination at Kirtland Air Force Base.

Mr. Shean's presentation included information about emerging contaminants; concerns about self regulation of, collaboration on and the challenges of cleanup efforts; and the department's need for more funding and inspection staff.

Santiago Rodriguez, chief, Radiation Control Bureau, Environmental Protection Division, NMED, provided information on how the NMED regulates and monitors the naturally occurring radioactive materials in the waste streams of the oil and gas industry. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20061523%20Item%203%20NMED.pdf>.

WIPP Transportation Program (12:01 p.m.)

Jeremy Lewis, acting director, Energy Conservation and Management Division, Energy, Minerals and Natural Resources Department, presented information on the working group for the WIPP Transportation Safety Program, which coordinates with other state agencies, including the Department of Public Safety, the Department of Health and the NMED, and how those agencies contribute to the working group. He also highlighted achievements in the training of emergency responders, medical personnel and volunteers along the WIPP shipping corridor. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20061523%20Item%204%20WIPP%20Transportation%20Program.pdf>.

Overview of the State Land Office's Role in the Regulation of Radioactive and Hazardous Materials (1:20 p.m.)

Sunalei Stewart, deputy commissioner of operations, State Land Office, presented information about the office's legal and regulatory role in the management of radioactive and hazardous materials on state trust lands. He provided an update on Holtec International's proposed interim storage facility for spent nuclear waste and how the state's mineral interests at the site have not been properly considered. He also discussed the office's remediation and reclamation efforts and noted that the office would benefit from more staff and funding for enforcement of environmental compliance and other projects. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20061523%20Item%205%20SLO%20Overview.pdf>.

Public Comment (1:47 p.m.)

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

Adjournment

There being no further business before the committee, the meeting adjourned at 2:14 p.m.

Revised: August 21, 2023

**TENTATIVE AGENDA
for the
SECOND MEETING
of the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**August 21, 2023
Council Chambers
Los Alamos County Municipal Building
1000 Central Avenue
Los Alamos**

Monday, August 21

- 9:00 a.m. **Call to Order, Welcome and Introductions**
—Representative Joanne J. Ferrary, Chair, Radioactive and Hazardous
Materials Committee
—Linda Matteson, Deputy County Manager, Los Alamos County
- 9:15 a.m. (1) **Chromium Plume Cleanup and Other Environmental Management
Issues**
—Michael Mikolanis, Manager, Los Alamos Field Office, Office of
Environmental Management, United States Department of Energy
—Rick Shean, Director, Resource Protection Division, Department of
Environment (NMED)
—Maggie Hart Stebbins, Natural Resources Trustee, Office of Natural
Resources Trustee (ONRT)
—Kate Girard, Executive Director, ONRT
—Joni Arends, Co-Founder and Executive Director, Concerned Citizens for
Nuclear Safety
- 10:30 a.m. (2) **Issues Concerning Downwinders**
—Tina Cordova, Co-Founder, Tularosa Basin Downwinders Consortium
—Barbara Webber, Executive Director, Health Action New Mexico
- 11:15 a.m. (3) **Weapons-Grade Plutonium Transport**
—Craig Tucker, State Hazardous Materials Coordinator, Homeland
Security and Emergency Management Department
—Cynthia Weehler, Co-Chair, 285 All
- 12:00 noon **Break**
- 12:15 p.m. **Working Lunch**
(4) **Defense Nuclear Facilities Safety Board (DNFSB) Report**
—Mark Sautman, Associate Technical Director, Field Operations, DNFSB

- 1:00 p.m. (5) [Plutonium Pit Production and Other Los Alamos National Laboratory \(LANL\) Projects](#)
—Rick Shean, Director, Resource Protection Division, NMED
—Greg Mello, Executive Director, Los Alamos Study Group
—Jay Coghlan, Executive Director, Nuclear Watch New Mexico
- 1:45 p.m. **Recess and Travel to LANL for Executive Session and Tour***
- 2:00 p.m. **LANL Welcome, Visitor Badging and Escort to the J. Robert Oppenheimer Study Center**
- 2:45 p.m. **Executive Session (Closed Meeting): Update on Plutonium Pit Production, Weapons-Grade Plutonium Transport and Other LANL Projects**
—Thom Mason, Laboratory Director, LANL
—Ted Wyka, Manager, Los Alamos Field Office, National Nuclear Security Administration, United States Department of Energy
- 3:45 p.m. **Break and Bus Trip to the Los Alamos Neutron Science Center (LANSCE)**
- 4:10 p.m. **Tour of the Isotope Production Facility at LANSCE**
- 5:00 p.m. **Adjourn**

*This is an invitation-only tour for committee members and staff.

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

**August 21, 2023
Council Chambers
Los Alamos County Municipal Building
1000 Central Avenue
Los Alamos**

The second meeting of the Radioactive and Hazardous Materials Committee (RHMC) was called to order by Representative Joanne J. Ferrary, chair, on August 21, 2023 at 9:10 a.m. in the Council Chambers of the Los Alamos County Municipal Building in Los Alamos.

Present

Rep. Joanne J. Ferrary, Chair
Sen. Jeff Steinborn, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Christine Chandler
Rep. Stefani Lord
Sen. Brenda G. McKenna
Sen. Shannon D. Pinto
Sen. Nancy Rodriguez
Rep. Debra M. Sariñana

Absent

Rep. Cathrynn N. Brown
Sen. David M. Gallegos
Sen. Joshua A. Sanchez

Advisory Members

Rep. John Block
Sen. Harold Pope

Sen. Ron Griggs
Rep. D. Wonda Johnson

Guest Legislator

Rep. Tara L. Lujan

Staff

Sonya Snyder, Legislative Council Service (LCS)
Tom Kricka, LCS
Sara Wiedmaier, 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

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Welcome and Introductions (9:10 a.m.)

Representative Ferrary asked members of the committee, staff and audience to introduce themselves, and Linda Matteson, deputy county manager, Los Alamos County, welcomed the committee to Los Alamos.

Approval of Minutes (9:26 a.m.)

On a motion made by Senator Pinto, seconded by Senator Rodriguez and without objection, the minutes of the June 15, 2023 meeting were approved.

Chromium Plume Cleanup and Other Environmental Management Issues (9:27 a.m.)

Michael Mikolanis, manager, Los Alamos Field Office, Office of Environmental Management, United States Department of Energy (DOE); Rick Shean, director, Resource Protection Division, Department of Environment (NMED); Maggie Hart Stebbins, natural resources trustee, Office of Natural Resources Trustee (ONRT); Kate Girard, executive director, ONRT; and Joni Arends, co-founder and executive director, Concerned Citizens for Nuclear Safety, discussed the chromium plume cleanup and other environmental issues in the Los Alamos area. Mr. Mikolanis discussed the DOE's top priorities, including accelerating progress on cleanup of the chromium plume, meeting the 2016 consent order milestones and continuing work on characterizing and repackaging above-ground transuranic waste. Mr. Shean focused on issues concerning the chromium plume, including the NMED's role in overseeing the DOE's extraction and cleanup of contaminated ground water pursuant to the Chromium Interim Measures and Characterization Work Plan and 2016 Compliance Order on Consent. Ms. Stebbins and Ms. Girard talked about the ONRT's plan for natural resource restoration and damage assessment of the chromium plume. Ms. Arends requested that the legislature take action on chromium plume cleanup by allocating more funding to the Office of the State Engineer and the NMED and reviewing rules and regulations for public participation in agency hearings regarding the permitting process. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/21/2023&ItemNumber=1>.

Approval of Motion to Send a Letter to the NMED and the DOE Regarding Chromium Plume Cleanup (11:26 a.m.)

On a motion made by Senator Steinborn, seconded by Senator Rodriguez and without objection, the committee approved sending a letter to the NMED and the DOE, copying New Mexico's congressional delegation, encouraging the NMED and the DOE to seek an independent third party to settle their technical disputes regarding cleanup of the chromium plume and to help the entities work toward an agreement on a final remedy.

Issues Concerning Downwinders (11:29 a.m.)

Tina Cordova, co-founder, Tularosa Basin Downwinders Consortium, and Barbara Webber, executive director, Health Action New Mexico, provided a presentation on the issues concerning people impacted by the Trinity nuclear test. Ms. Cordova provided updates on fallout disposition mapping, plutonium studies and amendments to the federal Radiation Exposure Compensation Act. Ms. Webber discussed the health impacts caused by the Trinity nuclear test. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/21/2023&ItemNumber=2>.

Approval of Motion to Send a Letter to Congress in Support of the Amendments to the Federal Radiation Exposure Compensation Act (12:04 p.m.)

On a motion made by Senator Pinto, seconded by Representative Lord and without objection, the committee approved sending a letter to Congress, copying New Mexico's congressional delegation, encouraging the conference committee to keep amendments to the federal Radiation Exposure Compensation Act in the National Defense Authorization Act for Fiscal Year 2024.

Weapons-Grade Plutonium Transport (12:09 p.m.)

Craig Tucker, state hazardous materials coordinator, Homeland Security and Emergency Management Department, and Cynthia Weehler, co-chair, 285 All, discussed the transportation of weapons-grade plutonium in the state. Mr. Tucker briefed the committee on the state's preparedness for and response to transportation incidents involving weapons-grade plutonium and requested that the legislature update the Hazardous Chemicals Information Act to incorporate the federal Emergency Planning and Community Right-to-Know Act of 1986 tier 2 reporting requirements and fee structure. Ms. Weehler discussed the expansion of the Waste Isolation Pilot Plant and the risks involved in the accompanying increase in shipments. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/21/2023&ItemNumber=3>.

Defense Nuclear Facilities Safety Board (DNFSB) Report (12:57 p.m.)

Mark Sautman, associate technical director, Field Operations, DNFSB, provided a report on the DNFSB's activities to fulfill its statutory mission of providing independent analysis, advice and recommendations to the United States secretary of energy for the purpose of providing adequate protection of public health and safety at defense nuclear facilities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20082123%20Item%204%20Defense%20Nuclear%20Facilities%20Safety%20Board%20Report.pdf>.

Plutonium Pit Production and Other Los Alamos National Laboratory (LANL) Projects (1:33 p.m.)

Mr. Shean; Greg Mello, executive director, Los Alamos Study Group; and Jay Coghlan, executive director, Nuclear Watch New Mexico, discussed topics concerning plutonium pit production at LANL. Mr. Shean discussed the NMED's regulatory scheme for the Surplus Plutonium Disposition Program. Mr. Mello urged the committee to write a letter to the DOE, the National Nuclear Security Administration (NNSA) and certain congressional committee chairs and ranking members requesting a halt to the NNSA's efforts to create a pit production facility at LANL. Mr. Coghlan discussed plutonium pit production, including the detection of plutonium at LANL. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/21/2023&ItemNumber=5>.

Executive Session: Update on Plutonium Pit Production, Weapons-Grade Plutonium Transport and Other LANL Projects (2:45 p.m.)

Tour of LANL, the Los Alamos Neutron Science Center (LANSCE) and the Isotope Production Facility at LANSCE (3:45 p.m.)

Adjournment

There being no further business before the committee, the meeting adjourned at 5:15 p.m.

Revised: September 13, 2023

**TENTATIVE AGENDA
for the
THIRD MEETING
of the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**September 15, 2023
Dona Ana Community College East Mesa Campus
East Mesa Main Building, Room 207
2800 North Sonoma Ranch Boulevard
Las Cruces**

Friday, September 15

- 10:30 a.m. **Call to Order and Introductions**
—Representative Joanne J. Ferrary, Chair, Radioactive and Hazardous
Materials Committee
- 10:35 a.m. **Welcome**
—Mónica Torres, Ph.D., Chancellor, New Mexico State University System
of Community Colleges
- 11:00 a.m. (1) **[State Emergency Response Commission Report](#)**
—Zach Wachter, M.P.A., Local Preparedness Program Manager, Homeland
Security and Emergency Management Department
- 12:00 noon **Working Lunch**
(2) **[Policy Issues in Nuclear Medicine](#)**
—Chris Wagner, Chief Executive Officer, Eden Radioisotopes (virtual)
—Ed Parma, Ph.D., Chief Science Officer, Eden Radioisotopes (virtual)
—Santiago Rodriguez, Chief, Radiation Control Bureau, Department of
Environment (NMED)
- 1:30 p.m. (3) **[White Sands Test Facility Cleanup and Restorative Measures](#)**
—Kate Girard, Executive Director, Office of Natural Resources Trustee
—Rick Shean, Director, Resource Protection Division, NMED
—Gill Sorg, Supervisor, Dona Ana Soil and Water Conservation District
- 2:30 p.m. **Public Comment**
- 3:00 p.m. **Adjourn**

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

**September 15, 2023
Dona Ana Community College East Mesa Campus
East Mesa Main Building, Room 207
2800 North Sonoma Ranch Boulevard
Las Cruces**

The third meeting of the Radioactive and Hazardous Materials Committee was called to order by Representative Joanne J. Ferrary, chair, on September 15, 2023 at 10:33 a.m. in the East Mesa Main Building of the Dona Ana Community College East Mesa Campus in Las Cruces.

Present

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

Absent

Rep. Stefani Lord
Sen. Brenda G. McKenna
Sen. Joshua A. Sanchez

Advisory Members

Rep. John Block
Sen. Harold Pope

Sen. Ron Griggs
Rep. D. Wonda Johnson

Staff

Sonya Snyder, Legislative Council Service (LCS)
Tom Kricka, LCS
Sara Wiedmaier, LCS

Guests

The guest list is in the meeting file.

Handouts

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References to Webcast

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"Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Friday, September 15

Introductions (10:33 a.m.)

Representative Ferrary asked members of the committee, staff and audience to introduce themselves.

Approval of Minutes (10:38 a.m.)

On a motion made by Representative Alcon, seconded by Senator Rodriguez and without objection, the minutes of the August 21, 2023 meeting were approved.

Welcome (10:39 a.m.)

Monica Torres, Ph.D., chancellor, New Mexico State University System of Community Colleges, welcomed the committee to Las Cruces. Dr. Torres discussed Dona Ana Community College programs and enrollment challenges since the pandemic. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20091523%20Item%200%20DACC%20Introduction.pdf>.

State Emergency Response Commission Report (11:08 a.m.)

Zach Wachter, M.P.A., local preparedness program manager, Homeland Security and Emergency Management Department, provided a report on the activities of the commission in 2022. Issues discussed included hazardous materials spills, storage of hazardous materials, the inadequacy of fees used to address hazardous materials cleanup and monitoring, the emerging hazards of electric vehicle fires, the security of chemical facilities, cybersecurity threats to hazardous material facility owner-operators, the future goals of resuming biannual commission meetings, bringing the state into compliance with the federal America's Water Infrastructure Act of 2018, digitizing a submission process for industry, updating the Hazardous Chemicals Information Act and rewriting New Mexico's hazardous materials emergency response plan. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20091523%20Item%201%20DHSEM.pdf>.

Policy Issues in Nuclear Medicine (12:42 p.m.)

Chris Wagner, chief executive officer, Eden Radioisotopes; Ed Parma, Ph.D., chief science officer, Eden Radioisotopes; and Santiago Rodriguez, chief, Radiation Control Bureau, Department of Environment (NMED), discussed policy issues in nuclear medicine. Mr. Wagner and Dr. Parma provided background information on Eden Radioisotopes and the nuclear medicine industry in general, policy challenges for access to water and electricity and Eden

Radioisotopes' regulatory risk management plan. Mr. Rodriguez discussed the Nuclear Regulation Commission's proposed changes to federal regulations concerning nuclear medicine and the case of the missing microspheres. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/15/2023&ItemNumber=2>.

White Sands Test Facility Cleanup and Restorative Measures (2:11 p.m.)

Kate Girard, executive director, Office of Natural Resources Trustee (ONRT); Rick Shean, director, Resource Protection Division, NMED; and Gill Sorg, supervisor, Dona Ana Soil and Water Conservation District, presented on the progress of cleanup and restorative measures at the White Sands Test Facility. Mr. Shean talked about the regulatory authority of the Resource Protection Division of the NMED to oversee the cleanup of hazardous waste generated by propulsion and materials testing, the corrective action process and the current status and future of the cleanup effort. Ms. Girard discussed the ONRT's role in the restoration of the area affected by the release of hazardous materials. Mr. Sorg provided the perspective of the Dona Ana Soil and Water Conservation District and discussed local water resource issues. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/15/2023&ItemNumber=3>.

Approval of Motion to Send Letter to the National Aeronautics and Space Administration (NASA) and the United States Department of Defense to Urge Cooperation with the ONRT on the Restoration of the Ground Water in the Vicinity of the White Sands Test Facility (3:08 p.m.)

On a motion made by Senator Steinborn, seconded by Senator Pinto and without objection, the committee approved sending a letter to NASA and the United States Department of Defense, copying Dona Ana County and the City of Las Cruces, to encourage NASA and the United States Department of Defense to cooperate with the ONRT on the restoration of the ground water in the vicinity of the White Sands Test Facility.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:13 p.m.

Revised: October 6, 2023

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**October 10, 2023
Southeast New Mexico College
Main Building, Room 101
1500 University Drive
Carlsbad**

Tuesday, October 10

- 9:00 a.m. **Call to Order and Introductions**
—Representative Joanne J. Ferrary, Chair, Radioactive and Hazardous
Materials Committee
—Senator Jeff Steinborn, Vice Chair, Radioactive and Hazardous Materials
Committee
- 9:05 a.m. **Welcome**
—Dale W. Janway, Mayor, City of Carlsbad
—Monty Harris, D.C., Vice President, Workforce Development and
Community Engagement, Southeast New Mexico College
- 9:45 a.m. **Approval of Minutes**
- 10:00 a.m. (1) **[Per- and Polyfluoroalkyl Substance Contamination, Rulemaking and
Litigation](#)**
—Amy Ewing, P.G., Hydrogeologist, Daniel B. Stephens & Associates, Inc.
(DBS&A) (virtual)
—John Bunch, P.G., Hydrogeologist, DBS&A (virtual)
—William G. Grantham, Assistant Attorney General, Office of the Attorney
General (OAG)
—Kayley Shoup, Community Organizer, Citizens Caring for the Future
- 11:30 a.m. (2) **[Interim Storage of Nuclear Materials](#)**
—Bruce Baizel, Director, Compliance and Enforcement, Department of
Environment (NMED)
—William G. Grantham, Assistant Attorney General, OAG
—Camilla Feibelman, Director, Rio Grande Chapter, Sierra Club
- 12:00 noon **Working Lunch**

- 1:00 p.m. (3) **Update From the Carlsbad Brine Well Remediation Authority**
—Dylan Fuge, Director, Oil Conservation Division (OCD), Energy,
Minerals and Natural Resources Department (EMNRD)
—KC Cass, Deputy City Administrator, City of Carlsbad
—William G. Grantham, Assistant Attorney General, OAG
- 2:00 p.m. (4) **Produced Water and Water Reuse**
—Dylan Fuge, Director, OCD, EMNRD
—John Rhoderick, Director, Water Protection Division, NMED
—Pei Xu, Ph.D., Department of Civil Engineering, New Mexico State
University
- 3:15 p.m. (5) **Kirtland Air Force Base Jet Fuel Cleanup**
—Ryan Wortman, Civil Engineer, Kirtland Air Force Base
—Ricardo Maestas, Acting Chief, Hazardous Waste Bureau, NMED
(virtual)
- 4:15 p.m. **Public Comment**
- 4:30 p.m. **Adjourn**

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

**October 10, 2023
Southeast New Mexico College
Main Building, Room 101
1500 University Drive
Carlsbad**

The fourth meeting of the Radioactive and Hazardous Materials Committee (RHMC) was called to order by Representative Joanne J. Ferrary, chair, on October 10, 2023 at 9:21 a.m. in the main building of Southeast New Mexico College in Carlsbad.

Present

Rep. Joanne J. Ferrary, Chair
Sen. Jeff Steinborn, 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. Brenda G. McKenna
Sen. Joshua A. Sanchez

Advisory Members

Rep. John Block
Sen. Harold Pope

Sen. Ron Griggs
Rep. D. Wonda Johnson

Guest Legislator

Sen. Steven McCutcheon II

Staff

Sonya Snyder, Legislative Council Service (LCS)
Tom Kricka, 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, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Tuesday, October 10

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

Representative Ferrary asked members of the committee and staff to introduce themselves. Monty Harris, D.C., vice president, Workforce Development and Community Engagement, Southeast New Mexico College, welcomed the committee to Carlsbad. Dale W. Janway, mayor, City of Carlsbad, was unable to attend but provided a statement that was read. Subsequently, Representative Ferrary read a response to the mayor's statement.

Approval of Minutes (9:32 a.m.)

On a motion made by Representative Alcon, seconded by Representative Brown and without objection, the minutes of the September 15, 2023 meeting were approved.

Per- and Polyfluoroalkyl Substance (PFAS) Contamination, Rulemaking and Litigation (9:36 a.m.)

William G. Grantham, assistant attorney general, Office of the Attorney General (OAG); Amy Ewing, P.G., hydrogeologist, Daniel B. Stephens & Associates, Inc. (DBS&A); John Bunch, P.G., hydrogeologist, DBS&A; and Kayley Shoup, community organizer, Citizens Caring for the Future, discussed PFAS contamination, ongoing PFAS-related litigation and Oil Conservation Commission PFAS rulemaking. Mr. Grantham provided an update on PFAS-related litigation. Ms. Shoup discussed Oil Conservation Commission rulemaking regarding PFAS that would require disclosure of the use and prohibition of PFAS. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=10/10/2023&ItemNumber=1>.

Motion to Send Letter of Support to the Oil Conservation Commission in Support of a Draft Rule Regulating Per- and Polyfluoroalkyl Substances in Oil and Gas Operations (11:31 a.m.)

A motion was made by Senator Steinborn and seconded by Senator Rodriguez that the committee send a letter to the Oil Conservation Commission in support of banning the use of PFAS in oil and gas operations and requiring other regulations. There was opposition to the motion since the committee had not seen the proposed rule or heard from all appropriate experts on the issue. Senator Steinborn withdrew the motion.

Interim Storage of Nuclear Materials (11:40 a.m.)

Bruce Baizel, director, Compliance and Enforcement, Department of Environment (NMED); Mr. Grantham; John Heaton, energy development coordinator, Carlsbad Department of Development; and Camilla Feibelman, director, Rio Grande Chapter, Sierra Club, discussed various policy issues regarding the storage of nuclear materials in the state. Mr. Baizel talked about the NMED's role in regulating Holtec International's storage of spent nuclear fuel and high-level radioactive waste. Mr. Grantham discussed recent litigation and laws regarding the regulation of interim storage of nuclear materials. Mr. Heaton talked about some recent cases regarding the regulation of nuclear materials and the Waste Isolation Pilot Plant. Ms. Feibelman provided reasons why a license for Holtec International to store additional nuclear materials in the state should be denied. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=10/10/2023&ItemNumber=2>.

Update From the Carlsbad Brine Well Remediation Authority (1:41 p.m.)

Dylan Fuge, director, Oil Conservation Division (OCD), Energy, Minerals and Natural Resources Department (EMNRD); KC Cass, deputy city administrator, City of Carlsbad; and Mr. Grantham provided an update on the remediation of the Carlsbad Brine Well site. Mr. Fuge described the current status of the remediation project and presented an overview of the project budget. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20101023%20Item%203%20EMNRD-OCD.pdf>.

Produced Water and Water Reuse (2:01 p.m.)

Mr. Fuge; John Rhoderick, director, Water Protection Division, NMED; and Pei Xu, Ph.D., Department of Civil Engineering, New Mexico State University, talked about the reuse of water produced from oil and gas operations. Mr. Fuge provided an overview of produced water use in the state and discussed a few issues involving produced water. Mr. Rhoderick discussed the Produced Water Advisory Committee and the development of water reuse regulations. Dr. Xu presented on the work the New Mexico Produced Water Research Consortium does to characterize produced water. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=10/10/2023&ItemNumber=4>.

Kirtland Air Force Base Jet Fuel Cleanup (3:15 p.m.)

Ryan Wortman, civil engineer, Kirtland Air Force Base, and Ricardo Maestas, acting chief, Hazardous Waste Bureau, NMED, discussed the cleanup of the jet fuel spill at Kirtland Air Force Base. Mr. Wortman provided information on the monitoring of ground water in the

area of the base and the proposed corrective measures. Mr. Maestas provided a regulatory update on the site and discussed progress made and the path forward. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=10/10/2023&ItemNumber=5>.

Public Comment (3:55 p.m.)

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

Adjournment

There being no further business before the committee, the meeting adjourned at 4:00 p.m.

Revised: December 1, 2023

**TENTATIVE AGENDA
for the
FIFTH MEETING
of the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**December 1, 2023
State Capitol, Room 322
Santa Fe**

Friday, December 1

- 9:00 a.m. **Call to Order and Introductions**
—Representative Joanne J. Ferrary, Chair, Radioactive and Hazardous
Materials Committee
—Senator Jeff Steinborn, Vice Chair, Radioactive and Hazardous Materials
Committee
- 9:15 a.m. **Approval of Minutes**
- 9:30 a.m. (1) **Use of Per- and Polyfluoroalkyl Substances (PFAS) in Oil and Gas
Operations**
—Dylan Fuge, Director, Oil Conservation Division (OCD), Energy,
Minerals and Natural Resources Department (EMNRD)
—Melissa Troutman, Climate and Energy Advocate, WildEarth Guardians
(virtual)
—John Reeder, Vice President, Federal Affairs, Environmental Working
Group (virtual)
- 11:00 a.m. (2) **Orphaned Wells and Financial Assurance**
—Dylan Fuge, Director, OCD, EMNRD
- 12:00 noon **Working Lunch**
(3) **Proposed Green Amendment**
—Representative Joanne J. Ferrary
—Senator Shannon D. Pinto
- 1:15 p.m. (4) **Uranium Mine and Mill Site Reclamation**
—Miori Harms, Coordinator, Uranium Mine Reclamation, Department of
Environment (NMED)
—Clinton Chisler, Uranium Reclamation Coordinator, Mining and Minerals
Division, EMNRD
—Bill Von Till, Chief, Uranium Recovery and Material Decommissioning
Branch, Division of Decommissioning, Uranium Recovery, and Waste
Programs, Office of Nuclear Materials Safety and Safeguards, United
States Nuclear Regulatory Commission (virtual)

—Laura Watchempino, Member, Multicultural Alliance for a Safe Environment (MASE); Member, Laguna Acoma Coalition for a Safe Environment (virtual)

- 2:15 p.m. (5) **San Juan Generating Station Cleanup**
—John Rhoderick, Director, Water Protection Division, NMED
- 3:00 p.m. (6) **Abandoned Contaminated Sites, Including Dry Cleaners**
—John Rhoderick, Director, Water Protection Division, NMED
—Susan Gordon, Co-Coordinator, MASE
—Teracita Keyanna, Member, Red Water Pond Road Community Association (virtual)
—Mara Yarbrough, Staff Attorney, New Mexico Environmental Law Center
- 4:00 p.m. **Public Comment**
- 4:30 p.m. **Adjourn**

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

**December 1, 2023
State Capitol, Room 322
Santa Fe**

The fifth meeting of the Radioactive and Hazardous Materials Committee was called to order by Representative Joanne J. Ferrary, chair, on Friday, December 1, 2023, at 9:30 a.m. in Room 322 of the State Capitol in Santa Fe.

Present

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

Absent

Rep. Cathrynn N. Brown
Sen. Brenda G. McKenna
Sen. Joshua A. Sanchez

Advisory Members

Rep. John Block
Rep. D. Wonda Johnson
Sen. Harold Pope

Sen. Ron Griggs

Staff

Sonya Snyder, Committee Coordinator, Legislative Council Service (LCS)
Tom Kricka, Staff Attorney, LCS
Sara Wiedmaier, Researcher, LCS
Erin Bond, Researcher, LCS

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

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 recorded webcast of the committee meeting, which can be found at 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, December 1

Welcome and Introductions (9:30 a.m.)

Representative Ferrary welcomed everyone to the meeting and invited committee members to introduce themselves.

Approval of Minutes (9:33 a.m.)

On a motion made by Senator Rodriguez, seconded by Representative Sariñana and without objection, the committee approved the minutes of the October 10, 2023 meeting.

Use of Per- and Polyfluoroalkyl Substances (PFAS) in Oil and Gas Operations (9:34 a.m.)

Dylan Fuge, director, Oil Conservation Division, Energy, Minerals and Natural Resources Department (EMNRD); Melissa Troutman, climate and energy advocate, WildEarth Guardians; and John Reeder, vice president, Federal Affairs, Environmental Working Group, provided background on chemical use and reporting requirements in oil and gas operations and discussed concerns regarding the use of PFAS. Mr. Fuge highlighted the regulatory framework of oil and gas well construction and chemical disclosure for produced water and hydraulic fracturing. Ms. Troutman and Mr. Reeder discussed the pending PFAS rulemaking petition to the Oil Conservation Commission, which seeks to prohibit the use of PFAS in oil and gas operations and expand chemical disclosure requirements. They also noted public health concerns and the prevalence of PFAS in consumer and industry products. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=12/1/2023&ItemNumber=1>.

Orphaned Wells and Financial Assurance (11:52 a.m.)

Mr. Fuge provided an update on the status of the orphan well plugging program. He discussed funding needs and opportunities, site prioritization, common challenges in plugging orphan wells and financial assurance requirements for active and inactive wells. He also highlighted efforts for an Oil and Gas Act legislative reform package that would include updates to financial assurance and civil penalties. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20120123%20Item%2020%20EMNRD%20OCD%20-%20Orphan%20Well%20&%20Financial%20Assurance.pdf>.

Letter to Oil Conservation Commission (12:24 p.m.)

On a motion made by Senator Steinborn and seconded by Representative Sariñana, the committee voted to send a letter to the Oil Conservation Commission in support of the adoption of rules prohibiting the use of PFAS in oil and gas operations and including PFAS in chemical reporting requirements.

Working Lunch: Proposed Green Amendment (12:38 p.m.)

Representative Ferrary, Senator Pinto and Senator Antoinette Sedillo Lopez discussed a proposed constitutional amendment that would provide the people of New Mexico with environmental rights. The proposed amendment can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20120123%20Item%203%20Proposed%20Green%20Amendment.pdf>.

Uranium Mine and Mill Site Reclamation (1:40 p.m.)

Miori Harms, coordinator, Uranium Mine Reclamation, Department of Environment (NMED), and Clinton Chisler, uranium reclamation coordinator, Mining and Minerals Division, EMNRD, presented the 2023 annual report on uranium mine and mill site cleanup and discussed progress on site evaluations and reclamation, coordination between state agencies and funding needs. They provided a review of uranium mill regulation on federal, state, tribal and private lands and the roles of the NMED and EMNRD in site reclamation.

Bill Von Till, chief, Uranium Recovery and Material Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Materials Safety and Safeguards, United States Nuclear Regulatory Commission, and Laura Watchempino, member, Multicultural Alliance for a Safe Environment (MASE), and member, Laguna Acoma Coalition for a Safe Environment, discussed superfund sites, the effects of uranium contamination on San Mateo Creek and the risk of further spread and the need for containment of mill tailings. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=12/1/2023&ItemNumber=4>.

San Juan Generating Station Cleanup (2:48 p.m.)

John Rhoderick, director, Water Protection Division, NMED, provided a brief update on the San Juan Generating Station closure plan and study, including remediation and restoration options. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20120123%20Item%204%20NMED.pdf>.

Abandoned Contaminated Sites, Including Dry Cleaners (2:55 p.m.)

Mr. Rhoderick; Susan Gordon, co-coordinator, MASE; Teracita Keyanna, member, Red Water Pond Road Community Association; and Mara Yarbrough, staff attorney, New Mexico Environmental Law Center, presented on the neglected contamination sites project and provided

various examples of these sites across the state. They discussed next steps for specific projects, such as dry cleaner superfund sites and abandoned uranium mines, as well as long-term program goals. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=12/1/2023&ItemNumber=6>.

Public Comment (4:04 p.m.)

A list of individuals providing public comment can be found in the meeting file.

Adjournment

There being no further business before the committee, the meeting adjourned at 4:14 p.m.



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