

**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.