

**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](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, 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.