



NEW MEXICO LEGISLATURE

**RADIOACTIVE AND
HAZARDOUS MATERIALS
COMMITTEE**

2022 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE
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INTERIM SUMMARY

Radioactive and Hazardous Materials Committee 2022 Interim Summary

The Radioactive and Hazardous Materials Committee held four in-person meetings during the 2022 interim.

At the first meeting in Santa Fe, the committee heard from the Department of Environment, the Energy, Minerals and Natural Resources Department (EMNRD) and the State Land Office on the regulation of radioactive and hazardous materials and from the Office of Natural Resources Trustee about its work to restore natural resources affected by the release of radioactive and hazardous materials.

At the second meeting in Clovis, the committee received presentations on issues relating to the shipment, storage and disposal of radioactive materials. Also, the committee heard a presentation on ground water contaminated by per- and polyfluoroalkyl substances and its effect on the local community and from the EMNRD on the implementation of the Produced Water Act and the remediation of the Carlsbad brine well.

At the third meeting in Grants, the committee addressed issues related to the cleanup of contaminated sites used in uranium mining, compensation for people in New Mexico affected by the testing and production of nuclear weapons and the occupational health and safety of state employees.

At the final meeting of the interim in Santa Fe, the committee heard about issues concerning Los Alamos National Laboratory, including legacy environmental cleanup and plutonium pit production, and the committee endorsed a joint resolution that would amend the Constitution of New Mexico to provide for environmental rights.

WORK PLAN AND MEETING SCHEDULE

**2022 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

Members

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

Sen. Gay G. Kernan
Rep. Stefani Lord
Sen. Brenda G. McKenna
Sen. Shannon D. Pinto
Sen. Nancy Rodriguez
Rep. Debra M. Sariñana

Advisory Members

Sen. Ron Griggs
Sen. Harold Pope
Sen. Joshua A. Sanchez

Sen. Gregg Schmedes
Rep. James G. Townsend

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 2022 interim, pursuant to Section 74-4A-11 NMSA 1978, the committee will review, as scheduling permits:

(1) updates from the Natural Resources Trustee, including an update on the Gold King Mine spill;

(2) updates from the Department of Environment (NMED), including updates on issues concerning dry cleaning chemicals and water contamination, the Kirtland Air Force Base bulk fuel spill, per- and polyfluoroalkyl substances contamination and chromium and other legacy wastes at Los Alamos National Laboratory (LANL);

(3) updates from the Energy, Minerals and Natural Resources Department;

(4) updates from the State Land Office;

(5) the status of Holtec International's consolidated interim storage facility permit application pending before the federal Nuclear Regulatory Commission;

(6) the implementation of the Produced Water Act;

(7) Waste Isolation Pilot Plant (WIPP) operations and pending permit modifications, including plutonium storage and shipments;

(8) a report from the Radioactive Waste Consultation Task Force;

(9) a report from the Carlsbad Brine Well Remediation Authority;

- (10) a report from the State Emergency Response Commission;
- (11) issues regarding LANL, including LANL's plan for increased plutonium pit production;
- (12) the status and future of the NMED's compliance order on consent with LANL;
- (13) updates from the federal Defense Nuclear Facilities Safety Board;
- (14) uranium mining legacy cleanup pursuant to House Bill 164 (2022);
- (15) issues concerning downwinders;
- (16) dilution and disposal of surplus plutonium at the WIPP; and
- (17) a proposed green amendment.

**Radioactive and Hazardous Materials Committee
2022 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 22	Santa Fe
August 5	Clovis
September 6	Grants
November 14	Santa Fe

AGENDAS AND MINUTES

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

**June 22, 2022
State Capitol, Room 307
Santa Fe**

Wednesday, June 22

- 9:00 a.m. **Call to Order and Introductions**
—Senator Jeff Steinborn, Chair, Radioactive and Hazardous Materials
Committee (RHMC)
- 9:15 a.m. (1) **[Discussion of the 2022 Work Plan and Meeting Schedule](#)**
—RHMC Members
- 10:15 a.m. (2) **[Overview of the Department of Environment's \(NMED's\) Regulation of
Radioactive and Hazardous Materials](#)**
—Chris Catechis, Acting Director, Resource Protection Division, NMED
—Santiago Rodriguez, Chief, Radiation Control Bureau, NMED
- 11:15 a.m. (3) **[Overview of the Energy, Minerals and Natural Resources Department's
Regulations Related to Radioactive and Hazardous Materials](#)**
—Eletha Trujillo, Chief, Hazardous Waste Planning Bureau, Energy,
Minerals and Natural Resources Department
- 12:15 p.m. **Lunch**
- 1:15 p.m. (4) **[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
—William Grantham, Assistant Attorney General, Office of the Attorney
General
- 2:15 p.m. (5) **[Overview of the State Land Office's Regulation of Radioactive and
Hazardous Materials](#)**
—Stephanie Garcia Richard, Commissioner of Public Lands, State Land
Office
—Sunalei Stewart, Deputy Commissioner of Operations, State Land Office
- 3:15 p.m. **Public Comment**
- 3:45 p.m. **Adjourn**

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

**June 22, 2022
State Capitol, Room 307
Santa Fe**

The first meeting of the Radioactive and Hazardous Materials Committee was called to order by Representative Joanne J. Ferrary, vice chair, on June 22, 2022 at 9:25 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Rep. Joanne J. Ferrary, 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
Rep. Debra M. Sariñana

Absent

Sen. Jeff Steinborn, Chair
Sen. Gay G. Kernan

Advisory Members

Sen. Ron Griggs
Sen. Harold Pope
Sen. Joshua A. Sanchez
Sen. Gregg Schmedes
Rep. James G. Townsend

Staff

Tom Kricka, Legislative Council Service (LCS)
Lenaya Montoya, 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

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.

Welcome and Introductions (9:25 a.m.)

Representative Ferrary welcomed everyone to the meeting and had members of the committee and staff introduce themselves.

Discussion of the 2022 Work Plan and Meeting Schedule (9:28 a.m.)

Mr. Kricka reviewed and explained the work plan to the committee. Members of the committee discussed work plan topics and potential presenters. On a motion made by Representative Sariñana and seconded by Senator Rodriguez, the committee unanimously passed the work plan.

Overview of the Department of Environment's (NMED's) Regulation of Radioactive and Hazardous Materials (9:38 a.m.)

Chris Catechis, acting director, Resource Protection Division, NMED, and Santiago Rodriguez, chief, Radiation Control Bureau, NMED, presented an overview of the department's regulation of radioactive and hazardous materials. They discussed the NMED's authorities at facilities statewide and provided an update on the Los Alamos National Laboratory consent order. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20062222%20Item%202%20NMED.pdf>.

Overview of the Energy, Minerals and Natural Resources Department's (EMNRD's) Regulations Related to Radioactive and Hazardous Materials (11:09 a.m.)

Eletha J. Trujillo, chief, Hazardous Waste Planning Bureau, EMNRD, presented an overview of the department's regulations related to radioactive and hazardous materials. Ms. Trujillo discussed the Waste Isolation Pilot Plant (WIPP) working group and the current funding levels for the working group. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20062222%20Item%203%20EMNRD.pdf>.

Public Comment (12:35 p.m. and 3:16 p.m.)

Comments from members of the public included the following:

- concerns about the expansion of the WIPP;
- increasing public knowledge of transportation of radioactive and hazardous materials; and
- concerns about increased production of nuclear warheads.

Overview of the Office of Natural Resources Trustee's Role in Restoring Resources Affected by the Release of Radioactive and Hazardous Materials (1:40 p.m.)

Maggie Hart Stebbins, natural resources trustee, Office of Natural Resources Trustee, and William Grantham, assistant attorney general, Office of the Attorney General, provided an overview of the Office of Natural Resources Trustee's role in restoring resources affected by the release of radioactive and hazardous materials. Trustee Hart Stebbins gave an overview of all of the settlements with which the Office of Natural Resources Trustee has been involved since 2000 and provided an update regarding current restoration projects. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20062222%20Item%204%20ONRT.pdf>.

Overview of the State Land Office's Regulation of Radioactive and Hazardous Materials (2:39 p.m.)

Stephanie Garcia Richard, commissioner of public lands, State Land Office, and Sunalei Stewart, deputy commissioner of operations, State Land Office, presented an overview of the State Land Office's regulation of radioactive and hazardous materials. Commissioner Garcia Richard provided the committee with a status update on the Holtec International site and reviewed the office's remediation and reclamation efforts. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20062222%20Item%205%20NMSLO.pdf>.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:21 p.m.

Revised: August 2, 2022

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

**August 5, 2022
Enchantment Ballroom 1
Clovis Civic Center
801 Schepps Boulevard
Clovis**

Friday, August 5

- 9:00 a.m. **Call to Order, Welcome and Introductions**
—Senator Jeff Steinborn, Chair, Radioactive and Hazardous Materials
Committee
—Mike Morris, Mayor, City of Clovis
- 9:10 a.m. (1) **Waste Isolation Pilot Plant (WIPP) Operations, Plutonium Storage and
Shipments and Pending Permit Modifications***
—Reinhard Knerr, Manager, Carlsbad Field Office, United States
Department of Energy
—Don Hancock, Administrator, Nuclear Waste Program, Southwest
Research and Information Center
—Chris Catechis, Acting Director, Resource Protection Division,
Department of Environment (NMED)
—Eletha Trujillo, WIPP Bureau Chief, New Mexico Radioactive Waste
Consultation Task Force, Energy, Minerals and Natural Resources
Department (EMNRD)
- 10:00 a.m. (2) **Per- and Polyfluoroalkyl Substances Contamination***
—James C. Kenney, Secretary, NMED
—Bruce Baizel, General Counsel, NMED
—Cholla Khoury, Chief Deputy Attorney General of Civil Affairs, Office of
the Attorney General
—Art Schaap, Owner, Highland Dairy
—Walter Bradley, Director of Government and Business Relations for the
Southwest Area, Dairy Farmers of America
—Ryan Miltner, Counsel, Dairy Producers of New Mexico
- 12:00 noon **Working Lunch**

- 1:00 p.m. (3) [Holtec International's Consolidated Interim Storage Facility Nuclear Regulatory Commission Permit Status and State Permitting Requirements*](#)
—Ed Mayer, Project Director, Holtec International
—Bruce Baizel, General Counsel, NMED
—Rebecca Roose, Deputy Secretary of Administration, NMED
—Cholla Khoury, Chief Deputy Attorney General of Civil Affairs, Office of the Attorney General
- 2:30 p.m. (4) [Implementation of the Produced Water Act*](#)
—Adrienne Sandoval, Director, Oil Conservation Division, EMNRD
—Rebecca Roose, Deputy Secretary of Administration, NMED
- 4:00 p.m. (5) [Report from the Carlsbad Brine Well Remediation Authority*](#)
—Adrienne Sandoval, Director, Oil Conservation Division, EMNRD
- 4:30 p.m. (6) [Report from the State Emergency Response Commission*](#)
—TBD, State Emergency Response Commission (invited)
- 5:00 p.m. **Adjourn**

*Public comment will be conducted for each item after presentations and committee member questions and comments. This meeting will be webcast and can be viewed by clicking the video icon beneath the meeting agenda on the Radioactive and Hazardous Materials Committee [web page](#). Members of the public may make comments during the public comment portion of the meeting by following instructions under the "Extra Information" portion of the [web page](#).

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

**August 5, 2022
Enchantment Ballroom 1
Clovis Civic Center
801 Schepps Boulevard
Clovis**

The second meeting of the Radioactive and Hazardous Materials Committee was called to order by Senator Jeff Steinborn, chair, on August 5, 2022 at 9:21 a.m. in the Enchantment Ballroom at the Clovis Civic Center in Clovis.

Present

Sen. Jeff Steinborn, Chair
Rep. Joanne J. Ferrary, 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. Gay G. Kernan
Sen. Brenda G. McKenna

Advisory Members

Sen. Joshua A. Sanchez

Sen. Ron Griggs
Sen. Harold Pope
Sen. Gregg Schmedes
Rep. James G. Townsend

Guest Legislators

Sen. Pat Woods
Rep. Martin R. Zamora

Staff

Tom Kricka, Staff Attorney, Legislative Council Service (LCS)
Sara Wiedmaier, Research Assistant, LCS
Hexuan Li, Intern, 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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Friday, August 5

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

Senator Steinborn welcomed everyone and invited members of the committee to introduce themselves. Chris Bryant, mayor pro tempore, City of Clovis, welcomed the committee to Clovis.

Waste Isolation Pilot Plant (WIPP) Operations, Plutonium Storage and Shipments and Pending Permit Modifications (9:31 a.m.)

Reinhard Knerr, manager, Carlsbad Field Office, United States Department of Energy (DOE); Don Hancock, administrator, Nuclear Waste Program, Southwest Research and Information Center; Chris Catechis, acting director, Resource Protection Division, Department of Environment (NMED); and Eletha Trujillo, WIPP bureau chief, New Mexico Radioactive Waste Consultation Task Force, Energy, Minerals and Natural Resources Department (EMNRD), discussed current site operations at the WIPP and future project plans; concerns regarding permit renewal and future expansion; and safety initiatives, procedures, training and oversight by the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/5/2022&ItemNumber=1>.

Motion to Send a Letter to the DOE Regarding Plans for Nuclear Waste Production (11:10 a.m.)

On a motion made by Senator Rodriguez, seconded by Representative Ferrary and without objection, the committee voted to send a letter to the DOE to inquire about plans for future production, shipping and storage of nuclear waste and to request transparency and the opportunity for public input and questions. A draft of the letter was requested to be sent to all committee members for final approval before sending to the DOE.

Public Comment (11:16 a.m.)

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

Per- and Polyfluoroalkyl Substances (PFAS) Contamination (11:25 a.m.)

James C. Kenney, secretary, NMED; Bruce Baizel, general counsel, NMED; Cholla Khoury, chief deputy attorney general of Civil Affairs, Office of the Attorney General; Art

Schaap, Owner, Highland Dairy; Walter Bradley, director of Government and Business Relations for the Southwest Area, Dairy Farmers of America; and Ryan Miltner, counsel, Dairy Producers of New Mexico, discussed PFAS toxicity, health concerns, Environmental Protection Agency standards and ongoing litigation with Cannon Air Force Base. They shared examples and personal stories of the impact of PFAS contamination on the Clovis area, especially on the agriculture industry. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/5/2022&ItemNumber=2>.

Motion to Send a Letter to the President of the United States and Others Regarding PFAS Remediation (1:12 p.m.)

On a motion made by Representative Ferrary, seconded by Senator Rodriguez and without objection, the committee voted to send a letter to the president of the United States and send copies to the Secretary of Defense, the New Mexico congressional delegation and the relevant military bases to request a more coordinated effort toward and funding for PFAS remediation.

Motion to Send a Letter to the Legislative Finance Committee Regarding Funding for PFAS Remediation (1:14 p.m.)

On a motion made by Senator Rodriguez, seconded by Representative Sariñana and without objection, the committee voted to send a letter to the Legislative Finance Committee director, chair and members requesting that funding be dedicated to the NMED and the Office of the Attorney General for the purpose of PFAS remediation.

Public Comment (1:16 p.m.)

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

Holtec International's Consolidated Interim Storage Facility Nuclear Regulatory Commission Permit Status and State Permitting Requirements (1:59 p.m.)

Ed Mayer, project director, Holtec International; Mr. Baizel; Rebecca Roose, deputy secretary of administration, NMED; and Ms. Khoury provided an overview of the background and need for an interim storage depository for the nation's spent nuclear fuel. The panel discussed environmental and safety concerns and community input regarding the transportation and storage of nuclear waste, Nuclear Regulatory Commission licensing requirements, state and federal coordination and litigation and potential legislation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/5/2022&ItemNumber=3>.

Public Comment (3:38 p.m.)

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

Implementation of the Produced Water Act (4:13 p.m.)

Adrienne Sandoval, director, Oil Conservation Division, EMNRD, and Ms. Roose gave an overview of produced water in New Mexico and the requirements under the Produced Water Act. They discussed the rulemaking processes and regulatory jurisdictions of the NMED and the Oil Conservation Division and updated the committee on ongoing research and changes to reporting and cleanup requirements. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=8/5/2022&ItemNumber=4>.

Report from the Carlsbad Brine Well Remediation Authority (5:03 p.m.)

Ms. Sandoval provided a brief history of and update on the Carlsbad brine well remediation, ongoing monitoring, activity and site restoration. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20080522%20Item%205%20Carlsbad%20Brine%20Well.pdf>.

Approval of Minutes (5:12 p.m.)

On a motion made by Representative Brown, seconded by Representative Ferrary and without objection, the minutes of the June 22, 2022 meeting were approved as submitted.

Adjournment

There being no further business before the committee, the meeting adjourned at 5:13 p.m.

Revised: September 2, 2022

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

**September 6, 2022
New Mexico State University-Grants
Fidel Hall
1500 North Third Street
Grants**

Tuesday, September 6

- 9:30 a.m. **Call to Order, Welcome and Introductions**
—Senator Jeff Steinborn, Chair, Radioactive and Hazardous Materials
Committee
—Eric Garcia, Mayor, City of Grants
—Marlene Chavez-Toivanen, Associate Campus Director and Vice
President for Academic Affairs, New Mexico State University-Grants
- 9:45 a.m. (1) **Occupational Health and Safety for State Employees**
—Robert Genoway, Chief, Occupational Health and Safety Bureau,
Department of Environment
- 10:45 a.m. (2) **Issues Concerning Downwinders**
—Tina Cordova, Co-Founder, Tularosa Basin Downwinders Consortium
—Bernice Gutierrez, Member, Tularosa Basin Downwinders Consortium
—Paul Pino, Member, Tularosa Basin Downwinders Consortium
—Phil Harrison, Consultant, Navajo Uranium Radiation Victims Committee
- 11:45 a.m. (3) **Proposed Green Amendment**
—Senator Antoinette Sedillo Lopez, District 16
—Representative Joanne J. Ferrary, Vice Chair, Radioactive and Hazardous
Materials Committee
—Representative Tara L. Lujan, District 48
—Maya K. van Rossum, Founder, Green Amendments for the Generations
- 12:30 p.m. **Lunch**
- 1:30 p.m. (4) **Uranium Mine Legacy Cleanup**
—Jerry Schoeppner, Director, Mining and Minerals Division, Energy,
Minerals and Natural Resources Department
—TBD, Navajo Nation Environmental Protection Agency
—Teracita Keyanna, Member, Steering Committee, Red Water Pond Road
Community Association

—Johnnye Lewis, Ph.D., Professor Emerita, Director, METALS Superfund
Research Program Center, and Co-Director, Community
Environmental Health Program, Center for Native American
Environmental Health Equity Research, University of New Mexico
—Loretta Anderson, Southwest Uranium Miners Post '71 Coalition

3:30 p.m. **Public Comment***

4:00 p.m. **Adjourn**

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

**September 6, 2022
New Mexico State University-Grants
Fidel Hall
1500 North Third Street
Grants**

The third meeting of the Radioactive and Hazardous Materials Committee was called to order by Senator Jeff Steinborn, chair, on September 6, 2022 at 10:01 a.m. in Fidel Hall at New Mexico State University-Grants in Grants.

Present

Sen. Jeff Steinborn, Chair
Rep. Joanne J. Ferrary, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Stefani Lord
Sen. Shannon D. Pinto
Sen. Harold Pope*
Sen. Nancy Rodriguez

Absent

Rep. Cathrynn N. Brown
Rep. Christine Chandler
Sen. David M. Gallegos
Sen. Gay G. Kernan
Sen. Brenda G. McKenna
Rep. Debra M. Sariñana

Advisory Members

Sen. Ron Griggs
Sen. Joshua A. Sanchez
Sen. Gregg Schmedes
Rep. James G. Townsend

Guest Legislators

Rep. Harry Garcia
Rep. Tara L. Lujan
Sen. Antoinette Sedillo Lopez

*Appointed by the president pro tempore of the senate as a voting member for this meeting only.

Staff

Tom Kricka, Legislative Council Service (LCS)
Lenaya Montoya, LCS
Sara Wiedmaier, LCS

Guests

The guest list is in the meeting file.

Handouts

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Welcome and Introductions (10:01 a.m.)

Senator Steinborn welcomed the committee to Grants. Eric Garcia, mayor, City of Grants, provided a welcoming address to the committee and spoke of the recreational activities that the city of Grants provides and the current economic development approaches the city is taking. Marlene Chavez-Toivanen, associate campus director and vice president for academic affairs, New Mexico State University-Grants, welcomed the committee to the campus and provided a campus update, stating that the campus has seen a 17 percent increase in enrollment and that the campus provides bachelor's degrees in education, nursing and information technology.

Occupational Health and Safety for State Employees (10:06 a.m.)

Robert Genoway, chief, Occupational Health and Safety Bureau, Department of Environment, provided an overview of the state Occupational Health and Safety Act regulations. The Department of Environment houses the Occupational Health and Safety Bureau and has jurisdiction over both private sector workers and all state and local government workers. The Department of Environment oversees the medical surveillance of numerous chemicals, biological contaminants and radioactive materials. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/6/2022&ItemNumber=1>.

Issues Concerning Downwinders (11:10 a.m.)

Tina Cordova, co-founder, Tularosa Basin Downwinders Consortium (TBDC); Bernice Gutierrez, member, TBDC; Paul Pino, member, TBDC; and Phil Harrison, consultant, Navajo Uranium Radiation Victims Committee, provided an overview of the issues concerning downwinders. Ms. Cordova provided an overview of the Trinity nuclear test of 1945 and the issues affecting the surrounding communities in 1945. A few major concerns were the lack of running water and electricity. Ms. Cordova expressed that through the generations, many of her family members have had cancer. Ms. Cordova mentioned that downwinders do not qualify for partial restitution payments under the federal Radiation Exposure Compensation Act (RECA) and that the TBDC currently has bills being heard in the United States Congress to extend and expand the RECA.

Ms. Gutierrez spoke on her research of infant mortality rates pre- and post-Trinity nuclear test of 1945. Ms. Gutierrez expressed her struggles with accessing and finding data on infant mortality from the state archive records and how the committee can help. Ms. Gutierrez discussed her family's history with health issues post-Trinity nuclear test of 1945.

Mr. Pino spoke on the life experiences of the Carrizozo community and the effects the Trinity nuclear test of 1945 had on the community. Mr. Pino spoke on the health issues that his family has experienced. Mr. Pino provided a song about continuing the fight for the families affected by the radioactive exposure.

Mr. Harrison spoke about the Navajo Uranium Radiation Victims Committee and what they do for the communities affected by uranium mining. Mr. Harrison spoke about the lack of communication between the uranium mining companies and their employees on the health and safety concerns that uranium mining poses. Mr. Harrison discussed the RECA claims process and the criteria to receive compensation and expressed his frustrations with the fact that downwinders and their families are not covered by the RECA. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHM%20090622%20Item%202%20Downwinders.pdf>.

Motions (12:47 p.m.)

Upon a motion made by Representative Alcon, seconded by Senator Pinto and without objection, the committee moved to send two letters in support of United States House of Representatives Bill 5338 and United States Senate Bill 2798. The first letter would be to all members of the United States Senate Judiciary Committee; the second letter would be to all leadership members of the United States House of Representatives.

Proposed Green Amendment (1:42 p.m.)

Senator Sedillo Lopez; Representative Ferrary; Representative Lujan; and Maya K. van Rossum, founder, Green Amendments for the Generations, provided an overview of the proposed Green Amendment, its anticipated language and the proposed rights that the amendment will bring to New Mexico residents. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20090622%20Item%203%20Green%20Amendment.pdf>.

Uranium Mine Legacy Cleanup (2:49 p.m.)

Jerry Schoeppner, director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department; Edith Hood, member, Steering Committee, Red Water Pond Road Community Association; Johnnye Lewis, Ph.D., professor emerita, director, METALS Superfund Research Program Center, and co-director, Community Environmental Health Program, Center for Native American Environmental Health Equity Research, University of New Mexico; Chris Shuey, co-principal investigator, DiNEH Project and Navajo Birth Cohort Study; Loretta Anderson, supporter, Southwest Uranium Miners Post '71 Coalition; and Arlene

Juanico, Southwest Uranium Miners Post '71 Coalition, provided an overview of the uranium mine cleanups in the Grants area and surrounding communities.

Mr. Schoeppner provided an overview of the Grants mining districts, the contaminant sources and the federal Environmental Protection Agency's five-year plan. He gave a summary of the work that has been completed on the planned assessment regarding water supplies; the cleanup of legacy mines; the cleanup of mills; the cleanup of structures and the communication between the department and the affected communities.

The representatives of the Southwest Uranium Miners Post '71 Coalition described their experiences with the open uranium pits and how this exposure affected their families, their health and their way of life as farmers and ranchers.

Ms. Hood discussed the federal Environmental Protection Agency and the federal Nuclear Regulatory Commission's proposed plan to move one million cubic yards of waste from the former Northeast Church Rock Mine site to an impoundment lot a mile down the road and the Red Water Pond Road community's opposition to this proposed plan. Ms. Hood provided recommendations from the Red Water Pond Road Community Association to the committee.

Dr. Lewis provided an overview of her brief on the multigenerational environmental, health and intervention research with indigenous communities impacted by abandoned uranium mine waste. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/6/2022&ItemNumber=4>.

Public Comment (4:21 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 4:27 p.m.

Revised: November 9, 2022

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

**November 14, 2022
State Capitol, Room 309
Santa Fe**

Monday, November 14

- 9:00 a.m. **Call to Order, Welcome and Introductions**
—Senator Jeff Steinborn, Chair, Radioactive and Hazardous Materials
Committee
- 9:05 a.m. (1) **Proposed Green Amendment**
—Senator Antoinette Sedillo Lopez
—Representative Joanne J. Ferrary
- 9:45 a.m. (2) **Uranium Mining Legacy Cleanup**
—John Rhoderick, Acting Director, Water Protection Division, Department
of Environment (NMED)
—Jonas Armstrong, Director, Office of Strategic Initiatives, NMED
—Jerry Schoeppner, Director, Mining and Minerals Division, Energy,
Minerals and Natural Resources Department
—Bill Von Till, Chief, Division of Decommissioning, Uranium Recovery,
and Waste Programs, Office of Nuclear Material Safety and
Safeguards, United States Nuclear Regulatory Commission
- 11:15 a.m. (3) **Legacy Environmental Cleanup at Los Alamos National Laboratory
(LANL)**
—Michael Mikolanis, Manager, Environmental Management Los Alamos
Field Office, United States Department of Energy
- 12:30 p.m. **Lunch**
- 1:30 p.m. (4) **Update from LANL**
—Frances Chadwick, Staff Director, LANL
—Kathy Keith, Director, Community Partnerships Office, LANL
- 2:30 p.m. (5) **Discussion Topics Concerning LANL**
—Jay Coghlan, Executive Director, Nuclear Watch New Mexico
—Greg Mello, Executive Director, Los Alamos Study Group

4:00 p.m. (6) [Increasing Penalties for Violations of Environmental Statutes](#)
—Senator Brenda G. McKenna

4:30 p.m. **Public Comment***

5:00 p.m. **Adjourn**

*This meeting will be webcast and can be viewed by clicking the video icon beneath the meeting agenda on the Radioactive and Hazardous Materials Committee [web page](#). Members of the public may make comments during the public comment portion of the meeting by following instructions under the "Extra Information" portion of the [web page](#).

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

**November 14, 2022
State Capitol, Room 309
Santa Fe**

The fourth meeting of the Radioactive and Hazardous Materials Committee was called to order by Senator Jeff Steinborn, chair, on November 14, 2022 at 9:13 a.m. in Room 309 of the State Capitol in Santa Fe.

Present

Sen. Jeff Steinborn, Chair
Rep. Joanne J. Ferrary, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Cathrynn N. Brown
Rep. Christine Chandler
Rep. Stefani Lord
Rep. Debra M. Sariñana

Absent

Sen. David M. Gallegos
Sen. Gay G. Kernan
Sen. Brenda G. McKenna
Sen. Shannon D. Pinto
Sen. Nancy Rodriguez

Advisory Members

Sen. Ron Griggs
Sen. Harold Pope
Sen. Joshua A. Sanchez
Sen. Gregg Schmedes
Rep. James G. Townsend

Guest Legislator

Sen. Antoinette Sedillo Lopez

Staff

Tom Kricka, Legislative Council Service (LCS)
Lenaya Montoya, LCS
Sara Wiedmaier, 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 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.

Monday, November 14

Welcome and Introductions (9:13 a.m.)

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

Proposed Green Amendment (9:18 a.m.)

Representative Ferrary and Senator Sedillo Lopez presented their proposed constitutional Green Amendment and provided updates on the changes between previous drafts and the current draft of the proposed constitutional amendment. Representative Ferrary spoke to the benefits of the proposed constitutional amendment and how it would impact the state. Senator Sedillo Lopez spoke to the legal provisions of the constitutional amendment and how citizens of New Mexico could enforce their rights under the amendment, including the types of damages that could be awarded under this proposed constitutional amendment. The proposed amendment can be found here:

<https://www.nmlegis.gov/handouts/RHM%2011422%20Item%201%20Green%20Amendment.pdf>.

On a motion by Representative Sariñana and seconded by Representative Ferrary, the committee voted to endorse the proposed constitutional Green Amendment. Representatives Brown and Lord voted against endorsement.

Approval of Minutes (10:18 a.m.)

On a motion made by Representative Alcon, seconded by Representative Sariñana and without objection, the minutes of the August 5, 2022 and September 6, 2022 meetings were approved.

Uranium Mine Legacy Cleanup (10:19 a.m.)

John Rhoderick, acting director, Water Protection Division, Department of Environment (NMED); Jonas Armstrong, director, Office of Strategic Initiatives, NMED; Jerry Schoeppner, director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department; and Bill Von Till, chief, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards, United States Nuclear Regulatory Commission, provided an update on the uranium mine legacy cleanup, an overview of each uranium mine site, how the various departments are working together to address the legacy

contamination, the regulatory regimes of the state and federal government and legislation that the state has passed to help with the uranium mine legacy cleanup. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=11/14/2022&ItemNumber=2>.

Legacy Environmental Cleanup at Los Alamos National Laboratory (LANL) (11:35 a.m.)

Michael Mikolanis, manager, Environmental Management Los Alamos Field Office, United States Department of Energy (DOE), and David Nicholas, director, Office of Completion of Projects, Environmental Management Los Alamos Field Office, DOE, provided an overview of the LANL legacy environmental cleanup, including top priorities, budgetary requests, milestones accomplished and the strategic vision for the office. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHM%20111422%20Item%203%20legacy%20LANL.pdf>.

Update from LANL (1:46 p.m.)

Frances Chadwick, staff director, LANL, and Kathy Keith, director, Community Partnerships Office, LANL, provided an update on LANL's hiring and retention of staff, accommodations for child care and educational and philanthropic initiatives. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHM%20111422%20Item%204%20LANL%20update.pdf>.

Discussion Topics Concerning LANL (2:20 p.m.)

Jay Coghlan, executive director, Nuclear Watch New Mexico, and Greg Mello, executive director, Los Alamos Study Group, discussed topics concerning LANL. Mr. Coghlan expressed concerns about plutonium pit production, the environmental impacts of the production and the impacts on future generations. Mr. Mello spoke about the demand for candor and transparency between LANL and the general public and the issue of waste production and the legacy removal process. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=11/14/2022&ItemNumber=5>.

Public Comment

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:14 p.m.

ENDORSED LEGISLATION

1 SENATE JOINT RESOLUTION

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4
5
6
7
8 FOR THE RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE

9
10 A JOINT RESOLUTION

11 PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO BY ADDING A
12 NEW SECTION OF ARTICLE 2 THAT PROVIDES THE PEOPLE OF THE STATE
13 WITH ENVIRONMENTAL RIGHTS, INCLUDING THE RIGHT TO CLEAN AND
14 HEALTHY AIR, WATER, SOIL AND ENVIRONMENTS, A STABLE CLIMATE AND
15 SELF-SUSTAINING ECOSYSTEMS, AND DIRECTS THE STATE, COUNTIES AND
16 MUNICIPALITIES TO SERVE AS TRUSTEES OF THE NATURAL RESOURCES OF
17 NEW MEXICO FOR THE BENEFIT OF ALL THE PEOPLE AND BY REPEALING
18 THE CURRENT POLLUTION CONTROL PROVISIONS OF ARTICLE 20, SECTION
19 21.

20
21 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. It is proposed to amend Article 2 of the
23 constitution of New Mexico by adding a new section to read:

24 "A. The people of the state shall be entitled to
25 clean and healthy air, water, soil and environments; a stable

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underscored material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 climate; and self-sustaining ecosystems, for the benefit of
2 public health, safety and general welfare. The state shall
3 protect these rights equitably for all people regardless of
4 race, ethnicity, tribal membership status, gender,
5 socioeconomic status or geography.

6 B. The state, counties and municipalities shall
7 serve as trustees of the natural resources of New Mexico and
8 shall conserve, protect and maintain these resources for the
9 benefit of all the people, including present and future
10 generations.

11 C. The provisions of this section are self-
12 executing. Monetary damages shall not be awarded for a
13 violation of this section. This section is enforceable against
14 the state, counties and municipalities."

15 SECTION 2. It is proposed to amend Article 20 of the
16 constitution of New Mexico by repealing Section 21.

17 SECTION 3. The amendment proposed by this resolution
18 shall be submitted to the people for their approval or
19 rejection at the next general election or at any special
20 election prior to that date that may be called for that
21 purpose.



LEGISLATIVE COUNCIL SERVICE
SANTA FE, NEW MEXICO