

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

**November 15, 2024
State Capitol, Room 309
Santa Fe**

The fifth meeting of the Radioactive and Hazardous Materials Committee was called to order by Representative Joanne J. Ferrary, chair, on November 15, 2024 at 9:05 a.m. in Room 309 of the State Capitol in Santa Fe.

Present

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

Absent

Rep. Eliseo Lee Alcon
Rep. Cathrynn N. Brown
Sen. David M. Gallegos
Rep. Stefani Lord
Sen. Joshua A. Sanchez

Advisory Members

Rep. John Block
Sen. Ron Griggs
Rep. William A. Hall II
Rep. D. Wonda Johnson
Sen. Harold Pope

Staff

Tom Kricka, Staff Attorney, Legislative Council Service (LCS)
Paul Estok, Staff Attorney, LCS
Ian Keller, Staff Attorney, LCS
Sara Wiedmaier, Researcher, LCS

Guests

The guest list is in the meeting file.

Minutes Approval

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

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.

Friday, November 15

Welcome and Introductions (9:05 a.m.)

Representative Ferrary welcomed everyone, and members of the committee and staff introduced themselves.

Plutonium Pit Production and Off-Site Plutonium Migration from Los Alamos National Laboratory (LANL) (9:07 a.m.)

Greg Mello, executive director, Los Alamos Study Group, appearing virtually from Washington, DC, spoke about the potential social and economic opportunities that are missed due to the focus on the dangers of plutonium pit production. He noted that neither the Department of Environment (NMED) nor any other official body has done a true impact study of plutonium pit production. Mr. Mello stated that he believes New Mexico needs to assert its autonomy in plutonium pit production decision making. Jay Coghlan, executive director, Nuclear Watch New Mexico, opined that expanded plutonium pit production at LANL is unnecessary. Mr. Coghlan also described what he sees as problems with LANL's nuclear waste disposal and said that LANL's plans to use the Waste Isolation Pilot Plant (WIPP) are not feasible. Michael Ketterer, Ph.D., professor emeritus, Department of Chemistry and Biochemistry, Northern Arizona University, presented findings of the independent research that he has conducted showing that Acid Canyon near Los Alamos is contaminated with nuclear waste and poses a threat to the natural resources of the state. He asked that New Mexico put in place a rule similar to the rule in place in Colorado that sets standards for plutonium in water. Joni Arends, executive director, Concerned Citizens for Nuclear Safety, spoke about concerns that LANL's waste treatment facility is not properly regulated and that the waste treatment infrastructure at LANL is inadequate. She asked that the committee seek the governor's support in ensuring that hazardous waste management at LANL be regulated through the NMED. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=11/15/2024&ItemNumber=1>.

Chromium Plume Cleanup and Other Environmental Issues (10:06 a.m.)

John Rhoderick, deputy cabinet secretary, Administration, NMED, detailed and updated the committee on the current status of the NMED's work with the LANL chromium plume, including a time line for future clean-up work. Jessica Kunkle, manager, Environmental Management, Los Alamos Field Office, United States Department of Energy, began with a brief history of legacy waste issues at LANL and followed up by presenting an overview of the current situation with litigation and clean-up of legacy waste, with a special mention of the

efforts to clean up legacy waste buried in Area G. Kate Girard, natural resources trustee, Office of Natural Resources Trustee (ONRT), explained the mission and the procedures that the ONRT uses in assessing natural resource damage, determining responsibility and assigning roles in remediation and restoration efforts. She cited as examples several past and current clean-up efforts for which the ONRT has been the driving force. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=11/15/2024&ItemNumber=2>.

Uranium Reclamation Report (11:31 a.m.)

Miori Harms, uranium mine reclamation coordinator, NMED, and Clint Chisler, senior reclamation supervisor and acting uranium mine reclamation coordinator, Energy, Minerals and Natural Resources Department (EMNRD), gave a presentation covering activities related to uranium mine and mill site reclamation that took place over the course of the previous year. The presentation fulfilled a statutory obligation for the NMED to report on reclamation activities annually to the committee. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=11/15/2024&ItemNumber=3>.

Radioactive Waste Consultation Task Force Report (1:04 p.m.)

Eletha Trujillo, program manager, Radioactive Waste Consultation Task Force, and bureau chief, Hazardous Waste Bureau, EMNRD, briefed the committee on the work of the task force, specifically with regard to the transport and disposal of legacy transuranic waste shipments received at the WIPP from sites around the nation. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=11/15/2024&ItemNumber=5>.

State Emergency Response Commission Report (1:29 p.m.)

Zach Wachter, local preparedness program manager, Homeland Security and Emergency Management Department, updated the committee on the department's activities centered on all aspects of emergency planning for hazardous materials accidents. In addition, he detailed department efforts to work with local emergency planning committees and voluntary regional emergency planning districts. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=11/15/2024&ItemNumber=6>.

Defense Nuclear Facilities Safety Board Report (2:05 p.m.)

Jonathan Plaue, associate technical director, Nuclear Facility Infrastructure and Projects, Defense Nuclear Facilities Safety Board, briefly explained the board's origin and history, then

detailed the board's activities and authorities in advising the United States Department of Energy and local officials on safety issues of importance when dealing with hazardous material handling in New Mexico. Mr. Plaue also introduced Eric Freeman, a nuclear engineer who works for the board as one of three LANL resident inspectors. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=11/15/2024&ItemNumber=7>.

Endorsement of Legislation (2:44 p.m.)

The committee discussed but did not endorse draft legislation.

Weapons-Grade Plutonium Transport (3:14 p.m.)

Cynthia Weehler, co-chair, 285 Alliance, read a statement expressing her group's concerns about the dangers of weapons-grade plutonium and the transport of nuclear waste within the state. She ended her presentation by asking the committee to use its influence at all levels of state government to ensure the adoption of nuclear waste disposal policies that make public safety of paramount importance. Don Hancock, director, Nuclear Waste Safety Program, and administrator, Southwest Research and Information Center, focused his comments on the renewal of the WIPP relicensing and on recent activities related to WIPP expansion. Mr. Hancock's request to the committee was that it do what it could to see to it that all state and federal laws are followed in the operation of the WIPP facility. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=11/15/2024&ItemNumber=8>.

Public Comment (3:56 p.m.)

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

Executive Session (4:15 p.m.)

The committee moved into executive session.

Adjournment

There being no further business before the committee, the meeting adjourned at 5:16 p.m.