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FISCAL IMPACT REPORT

ORIGINAL DATE 02/16/13

SPONSOR Ortiz y Pino LAST UPDATED _____ HB _____

SHORT TITLE Sandia Lab 2005 Order Feasibility Study SM 34

ANALYST Pahl

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$0.0	\$0.0	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Environment Department (NMED)

SUMMARY

Synopsis of Bill

Senate Memorial 34 (SM 34) requests that the Environment Department (NMED) establish a compliance schedule according to which Sandia National Laboratories (SNL) is ordered to conduct a feasibility study pursuant to the Department's 2005 Final Order for the mixed waste landfill (MWL). The feasibility study would then be reported to the public and the appropriate legislative interim committee.

FISCAL IMPLICATIONS

The NMED stated there is no fiscal impact.

SIGNIFICANT ISSUES

In 2005, a Final Order was issued on the remedy selection for the MWL, which contains radioactive and hazardous waste. The Final Order requires SNL to prepare a report every 5 years, re-evaluating the feasibility of excavation and analyzing the continued effectiveness of the selected remedy.

The NMED response stated the compliance schedule and feasibility study proposed in SM 34 is not necessary as it is duplicative of the corrective action process being followed and implemented in accordance with the Final Order. NMED states that the Final Order requiring implementation of the long term-monitoring and maintenance plan (LTMMP), which is to ensure that the final remedy is protective of human health and the environment. The NMED states the LTMMP also requires that NMED and SNL provide a schedule for review and a convenient method for the public to review any other major documents developed by NMED or SNL for the MWL including but not limited to, posting the documents on a publicly-accessible website.

According to NMED:

Due to court delays, the NMED approved the implementation of the final remedy in 2011; that approval required that a LYMMP be submitted within 180 days of completions of the selected remedy. Upon Environment Department approval of the LTTMP, the first five-year period for re-evaluating the need for excavation and analyzing the effectiveness of the remedy, required under the Final Order of May 26, 2005, will begin. The re-evaluation includes an updated fate and transport model with the most current data. Until the LTMMP is employed, a re-evaluation is not appropriate because five years of monitoring data is not available. At this time, the Environment Department anticipates that a decision concerning the LTTMP will be made in the summer of 2013. The first five-year period for re-evaluating the need for excavation and analyzing the effectiveness of the remedy, required under the Final Order of May 26, 2005, will begin and should be completed in the summer of 2018. This will allow for monitoring data to be acquired under the LTMMP to be available for the purpose of conducting the evaluation.

ADMINISTRATIVE IMPLICATIONS

There will likely be some administrative impact on NMED to establish a compliance schedule and report to the appropriate legislative interim committee.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

A compliance schedule separate from the schedule outlined in the Final Order will not be created, and results of a feasibility study will not be reported to the appropriate legislative interim committee.

MMP/blm