NMED
New Mexico Environment Department

OPEN HOUSE PUBLIC MEETING

APRIL 28, 2016

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Revised Consent Order

- Public Comment Period
- Overview of Revised Consent Order
- NMED Perspective
- Next Steps

Public Comment Period

- Revised Consent Order (CO) was issued March 30th, for Public Comment
  - 45-day public comment period
    - March 30, 2016-May 16, 2016
  - Notice published in local newspapers
  - Several opportunities for public comment period:
    - March 30th NNMCAB Meeting
    - Regional Coalition of LANL Communities – April 8th
    - Tonight's open house meeting- April 28th
    - Meetings with individual stakeholders
    - May 18th NNMCAB Meeting
      - Report on comments received

Overview of Revised Consent Order

- Revised Consent Order
  - In meetings held last year, NMED highlighted four enhancements to original CO
    1. Campaign Approach
    2. Cleanup vs. Investigation
    3. Annual Planning Process
    4. Data Quality Objectives
  - These enhancements will facilitate cleanup at LANL, as most preliminary investigations have been completed
  - All four enhancements have now been incorporated into the revised document

Revised Consent Order

- Campaign Approach – Section VIII
  - Defined using key criteria that help to group the legacy cleanup work into "campaigns."
    - E.g., risk level, stakeholder priorities
  - Consists of one or more projects
    - Campaigns and projects consist of one or more tasks or deliverables (e.g., work plan, well installation)
  - Lasts from project(s) start to finish and can last multiple years.
  - See Appendix C for the descriptions of each Campaign

Revised Consent Order (Cont'd)

- Focus on Cleanup – Section VIII
  - All descriptive language regarding areas for investigation has been removed, enhancing focus on cleanup
  - Sections XIX and XX allow for "accelerated" and "at risk" work as well as presumptive remedies, enhancing prioritization of cleanup
  - Process in place to resolve comments and issues early, enhancing performance on cleanup
    - Section XXII – Designated Agency Managers
    - Section XXIII – Preparation/Review/Comment on Documents

Revised Consent Order (Cont'd)

- Annual Planning Process – Section VIII.C
  - Process for updating Appendix B
    - Current FY, FY+1, & FY+2, w/ milestones and targets
  - Appendix B [Milestones and Targets] updated annually
    - Reality check includes: changed conditions, priorities, & funding
    - Transparency: Revised Appendix B posted on NMED's website
  - Dynamic process allows for revision during the year due to upward or downward adjustments in funding

Revised Consent Order (Cont'd)

- Data Quality Objectives (DQOs)
  - Section XIII – Facility Investigation
    - Focused on the overall goals - <u>accomplish environmental cleanup and reduce risk</u>
    - Work Plans shall describe the objective(s) of the work; Permittee executes
  - Methods/Procedures used during field work included in Reports
  - Guidance on conducting investigations – Appendix F

Revised Consent Order (Cont'd)

- More Significant Enhancements:
  - Relationship to the RCRA Permit – Section VII
    - Clarified RCRA Permit requirements vs. CO requirements
    - Clarified what happens upon termination of CO
  - Designated Agency Managers (DAMs) – Section XXII
    - Responsible for coordinating the implementation of the CO
    - Position must have sufficient decision-making authority
  - Stipulated Penalties for Non-Performance (e.g., failure to submit or complete a milestone)

Revised Consent Order (Cont'd)

- What has not changed:
  - All work covered under March 1, 2005 CO is carried forward into the Revised CO
    - Includes work identified in the future (e.g., deferred sites)
  - Public participation for remedy selections continues
  - Stipulated penalties continue
  - Cleanup levels continue at rigorous levels

NMED Perspective

- Revised CO:
  - Focuses on cleanup of legacy contamination
  - Provides flexibility to NMED and LANL to enable success rather than delay
  - Has stronger enforcement provisions
  - Provides plan for how/when all cleanup work will be completed
    - Supports discussions on future funding levels for LANL

Next Steps

- Public input is critical – we want your feedback
  - Appendices B & C
    - Campaign structure/organization
    - Prioritization of Campaigns
- Meet with individual stakeholders
- How can you help?
  - Provide comments
  - Pass resolutions
  - Send letters of support

Next Steps (Cont'd)

Reminders:

- The March 1, 2005 CO is still in effect until it is replaced by a revised version.
- Public Comment Period ends at 5:00 PM on May 16, 2016
  - Written comments (including email) may be sent to:
    - Kathryn Roberts: kathryn.roberts@state.nm.us

Questions?