



State of New Mexico
House of Representatives
Santa Fe

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Mrs. Kathryn Roberts
New Mexico Environmental Department
1190 St. Francis Drive
Santa Fe, NM 87506

Re: Revised Consent Order

05/29/16

Dear Kathryn,

I write to offer comments on the Revised LANL Consent Order. As I understand it, if approved, the Revised Consent Order will replace the Consent Order from March 1, 2005.

I represent District 46 in the New Mexico State Legislature. The district includes the northern half of the city of Santa Fe and the entire northern part of Santa Fe county, which is adjacent to the east side of Los Alamos county. It is extremely important to my constituents that there is a clear goal for the cleanup of legacy waste that exists in Los Alamos. This must be done in a methodical, careful, and timely manner, but yet without creating an environment ripe for human error or accident. Because of the nature of the material and its contamination, a revised consent order will be an extremely useful guide for the removal and cleanup of such waste. A productive relationship must be sought between the New Mexico Environmental Department (NMED) and Environmental Management of the Department of Energy (DOE/EM) to ensure the best possible outcome for the citizens of New Mexico while providing full transparency to the public. Through the Revised Consent Order, it is paramount that progress, successes, funding, and enforcement are an integral part of the order.

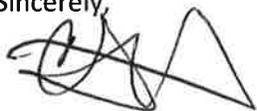
After review of the Revised Consent Order (RCO), I offer my support for the following reasons.

- The RCO covers all work and keeps the same cleanup objectives as in the 2005 Consent Order.
- Public participation for remedy selections are retained.
- The RCO has stronger enforcement provisions.

- It allows for more flexibility through a single campaign approach. Because of the nature of the contamination involved, each campaign can identify criteria such as: risk to human health, stakeholder priorities, environmental risk, length of time, and a delivery or milestone schedule.
- The RCO focuses on actual cleanup rather than investigation. The overall goal is for the clean up to be completed in a safe and timely manner. Sections 22 (Designated Agency Managers) and 23 (Preparation/Review/Comment and Documents) allow NMED to be proactive in the cleanup process. These sections allow NMED to participate in the document development and identify issues early in the process. They also allow for better communication through discussion between technical staff of each agency on issues of resolution, rather than administrative exchange of paper between NMED and DOE/EM.
- The RCO also has an annual planning process. This planning process is designed to be dynamic so that revisions may be made due to upward or downward funding. Shifting of priorities from one campaign to another may be required at times due to unknown circumstances that may pose a higher risk to human health and/or the environment.
- The RCO has Data Quality Objectives (DQOs). This is a well-established process for conducting corrective action work under RCRA and EPA has fairly extensive guidance on this subject. Also, methods and procedures used to achieve the NMED approved DQOs will be in reports or other documents. To insure enforcement, NMED makes the final decision on whether or not the DQOs have been achieved.
- In section 35, enhancement to this section is that all milestones listed in Appendix B will be subject to stipulated penalties.

For the listed reasons above and others, I stand in support of the Revised Consent Order. The DOE/EM has an annual budget of over \$6 billion for post-war cleanup around the DOE complex. It is important that the NMED and DOE/EM establish an achievable agreement and relationship that aims at realistic goal with cleanup expectations. A carefully considered RCO will promote more funding for cleanup in Los Alamos which will achieve the overall goal of removing legacy waste while monitoring progress carefully.

Sincerely,



Carl Trujillo
NM Representative 46