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NEWS RELEASE

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New Mexico Environment Department Issues Compliance Orders to U.S. Department of Energy to Protect Safety and Success of Waste Isolation Pilot Plant

Actions Follow Nine Month Long Investigation into Serious Incidents

Santa Fe — Today the New Mexico Environment Department (NMED) notified the U.S. Department of Energy (DOE) of violations of state hazardous waste permits for both the Waste Isolation Pilot Plant (WIPP) and Los Alamos National Laboratory relating to DOE's handling of transuranic (TRU) waste that contributed to two significant incidents at WIPP earlier this year.

"New Mexico is proud of our national labs and cutting-edge scientific facilities, and we have important rules in place to protect those facilities, the people who work there, and all New Mexicans," said Governor Susana Martinez. "The health and safety of New Mexicans will always be our priority and we have to hold federal agencies accountable for safe operations in the state of New Mexico. The federal Department of Energy is a strong partner with us, and we will continue to work with them closely to ensure their success in our state."

Following a comprehensive and intense investigation through more than nine months, NMED found multiple violations at both WIPP and LANL and has issued two Administrative Compliance Orders (ACO).

- ACO 14-21 identifies a total of 13 violations at WIPP, resulting in civil penalties of \$17,746,250.00.
- ACO 14-20 identifies a total of 24 violations at LANL, resulting in civil penalties of \$36,604,649.00.

The investigation included both the February 5 underground fire and the February 14 radiological release, both at the WIPP facility. NMED's findings confirm the existence of major procedural problems that contributed to these events, and also found a less than adequate response.

“WIPP and LANL are critical assets to our economy and communities, and it’s so important that we work hard to protect their integrity and the safety of the surrounding communities,” said NMED Cabinet Secretary Ryan Flynn. “These civil penalties follow a thorough investigation and are important to ensuring the continued safety and success of these important facilities. We look forward to continuing to work with the federal government to ensure the safety and success of both LANL and WIPP.”

In addition to the civil penalties, NMED stipulated that federal dollars marked for environmental cleanup or operational needs at LANL and WIPP cannot be used to pay these penalties. NMED has also required that the federal agency update and submit compliance updates over the next 60 days. DOE has an opportunity to demonstrate future compliance, which could trigger penalty reductions if DOE can assure New Mexicans of safe future operations.

Attached are copies of both ACOs and notification letters to DOE.

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