



**BILL RICHARDSON**  
GOVERNOR

**State of New Mexico**  
**ENVIRONMENT DEPARTMENT**  
**Office of the Secretary**  
**Harold Runnels Building**  
**1190 St. Francis Drive, P.O. Box 26110**  
**Santa Fe, New Mexico 87502-6110**  
**Telephone (505) 827-2855**



**RON CURRY**  
SECRETARY

**CINDY PADILLA**  
DEPUTY SECRETARY

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For Immediate Release

Contact: Marissa Stone, NMED Communications Director  
Telephone: (505) 827-0314 or (505) 231-0475

## **Environment Department Reaches \$251,870 Settlement with LANL on Failure to Report Chromium Contamination in Groundwater**

(Santa Fe, NM) The New Mexico Environment Department reached a settlement agreement with a penalty of \$251,870 with operators of Los Alamos National Laboratory this week for violating its hazardous waste permit and the Consent Order by failing to report significant increases in chromium contamination in a groundwater monitoring well at the lab in 2004.

The settlement resolves alleged violations by the operators, the U.S. Department of Energy and Los Alamos National Security, LLC, of LANL's Hazardous Waste Facility Permit and alleged violations of the Consent Order that governs fence-to-fence environmental cleanup at the lab.

"This enforcement action should remind the operators of LANL that they have a duty to report significant environmental contamination to the state and residents promptly," said New Mexico Environment Department Secretary Ron Curry. "Chromium contamination is a serious issue — it should be addressed as quickly as possible, and the state and the public need to be informed immediately. We expect the lab to be more diligent in its reporting in the future."

The settlement, which became final Thursday, arose from DOE's and LANS's failure to report to the department significant elevations in chromium levels in well R-28. Four groundwater samples taken from the monitoring well in Mortandad Canyon between 2004 and 2005 detected toxic hexavalent chromium at up to four times the drinking water standard and up to eight times the state groundwater quality standard. However, LANL did not report the finding to NMED until late 2005.

Hexavalent chromium, which originates from lab operations, is not naturally occurring. Hexavalent chromium is known to cause cancer and kidney and liver damage in humans.

The Mortandad Canyon well monitors the aquifer that the people of Los Alamos and White Rock rely on for drinking water. Despite this pollution, drinking water supplies for the citizens of Los Alamos and White Rock are regularly monitored and did not show levels of chromium above drinking water or state standards.

The settlement requires the lab to pay the civil penalty of \$251,870. It also requires the lab to constantly review analytical data from all groundwater monitoring and to verbally report within one business day if

previously undetected contaminant concentrations in monitoring wells exceed state or federal water quality standards.

The settlement also requires LANL to continue to fund the Risk Analysis, Communication, Evaluation and Reduction (RACER) project, which provides environmental data to the public concerning lab operations. That data includes soil and groundwater monitoring. The RACER database will also be turned over to an independent manager, the New Mexico Community Foundation, by Sept. 1, 2008. Data from RACER will provide information for a report that will offer recommendations regarding environmental management at the lab to the department, DOE and LANS.

The department issued a notice of violation to DOE and LANS on Sept. 15, 2006 for failing to timely notify the department of the elevated chromium concentrations. Those reporting requirements are required by the lab's hazardous waste permit and the March 1, 2005 Consent Order. As soon as the lab notified NMED of the chromium contamination, NMED required the lab to conduct an aggressive investigation to determine the source and level of chromium contamination.

Money from the recent settlement will be deposited into the state's Emergency Hazardous Waste Fund, which pays for environmental cleanups around the state.

For more information, call Marissa Stone at (505) 827-0314 or (505) 231-0475.

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