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Environment Department Reaches \$50,095 Settlement with LANL on Ash Pile Violations

(Santa Fe, NM) – The New Mexico Environment Department reached a settlement agreement with the U.S. Department of Energy and Los Alamos National Security, LLC for \$50,095 over hazardous waste violations at the Ash Pile site in Los Alamos.

DOE and LANS agreed to the settlement Feb. 23 regarding the Environment Department's claims that the lab improperly disposed of waste from an ash and debris pile at the old incinerator site at Technical Area 73 at LANL.

“The lab must take seriously its obligations under the Consent Order to clean up decades of waste from lab operations instead of continuing to receive penalties for failure to comply with the conditions of the order,” said NMED Secretary Ron Curry. “DOE and LANS should fulfill promises the lab made to New Mexicans by cleaning up waste at LANL and completing timely work on the Ash Pile site.”

The Environment Department approved a cleanup plan in 2006 for the Ash Pile site that required radioactive ash to be disposed of at EnviroCare in Utah and other waste from that site to be disposed of at an industrial waste landfill.

DOE cleaned up some waste from the site but disposed of five shipments of debris at Los Alamos County landfill, which did not have a permit to accept such waste. The Environment Department issued a notice of violation to DOE and LANS on July 12, 2006 for dumping ash and debris from the Ash Pile at the landfill.

TA 73 contained an incinerator that was used to burn classified documents and other garbage in the 1950s. Ash from the incinerator and other debris was disposed of in a pile near the incinerator. Samples from the ash pile showed the presence of polychlorinated biphenyls (PCBs), dioxins and furans and metals such as lead and cadmium in the ash. PCBs have the potential to cause cancer.

In separate actions in recent months, NMED demanded that DOE and LANS pay stipulated penalties totaling \$120,000 for failing to complete the ash pile clean up according to the schedule in the Consent Order. Money from the settlement and other penalties for the site will be deposited into NMED's Hazardous Waste emergency fund that pays for the cleanup of emergency hazardous spills.

The State of New Mexico entered into a historic fence-to-fence clean up order with LANL in March 2005. The order included requirements that the Ash Pile site be cleaned up in early 2006.

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