



Environment Department

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OPINION-EDITORIAL

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A Safer New Mexico

By Cabinet Secretary Ryan Flynn, New Mexico Environment Department (NMED)

A little more than a year ago, a drum of transuranic waste packed with incompatible materials ruptured after being transported 300 miles through New Mexico from Los Alamos National Laboratory (LANL) to the Waste Isolation Pilot Plant (WIPP) near Carlsbad. When the drum ruptured and released radiation into the atmosphere, Governor Susana Martinez and her administration moved quickly and decisively.

Immediately after being notified of the release, the New Mexico Environment Department was on the ground in Carlsbad meeting with members of the community and demanding that the U.S. Department of Energy (DOE) share information with the public. We also immediately took aggressive steps to ensure the public was safe as we began investigating what happened. NMED ordered DOE to isolate and secure all of the drums containing incompatible materials, and we required DOE to implement additional monitoring and controls over the secured drums in the event another release were to occur. As Governor Martinez has repeatedly stated, "Making sure that these facilities operate safely is non-negotiable."

Once we secured all of the containers at WIPP and LANL, NMED initiated a comprehensive and intensive investigation lasting more than nine months. We found multiple violations of the hazardous waste permits at both LANL and WIPP, which confirmed major problems that contributed to the incident. NMED issued two Administrative Compliance Orders totaling \$54 million and cited 31 violations, which centered on the handling of mixed transuranic waste at both LANL and at WIPP.

Following accelerated and intensive negotiations between the Martinez Administration and DOE, we agreed to an unprecedented settlement agreement. The agreement requires DOE to provide more than \$73 million for a variety of critical environmental and public safety projects throughout the state, projects that were developed after receiving input from a variety of stakeholders, such as the Regional Coalition of Los Alamos Communities, the Northern New Mexico Citizens' Advisory Board and the Carlsbad Mayor's Nuclear Task Force. It is the largest settlement ever between a state and DOE, and it paves the way for New Mexico to emerge from this situation safer and more secure.

With more than half of the settlement funds (\$46 million) designated for much-needed road improvements along WIPP-designated routes throughout New Mexico — including the route that runs from Los Alamos, then through or alongside the Northern New Mexico pueblos, Santa Fe, Roswell, Artesia and to Carlsbad — the safety of future shipments to WIPP will most certainly be improved.

Nearly \$20 million will also be invested in critical water infrastructure improvements in northern New Mexico, which will allow NMED to manage the watershed in and around Los Alamos providing stronger safeguards for regional water quality. DOE will also invest \$5 million in an Emergency Operations Center in Carlsbad that will provide training for first responders and mining rescue teams. And finally, DOE will invest \$3 million for a triennial compliance and operational audit of both facilities, which will be in addition to NMED's regular inspections and oversight, and will provide increased transparency and operational rigor.

The landmark agreement also requires DOE to implement corrective actions at LANL and WIPP. These corrective actions address the original 31 violations cited in NMED's two Administrative Compliance Orders, and are vital for ensuring that both facilities will operate safely now, and into the future.

Protecting the health and safety of New Mexicans will continue to be our top priority as we work through this situation. With this settlement agreement, Governor Martinez and her administration fought for New Mexicans, ensuring that federal funds will be invested directly back into our communities and leaving the existing operational and clean-up funding for LANL and WIPP intact.

Ensuring the safety and success of WIPP and LANL, the people who work there, and their local communities is an enormous responsibility. The Martinez Administration's successful negotiation with DOE strengthens our communities and environment, and confirms New Mexico's vital role in fulfilling our nation's security mission.

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