



NEWS RELEASE **For Immediate Release**

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Contact: Drew Goretzka, Director of Communications
New Mexico Environment Department
505.670.8911 | drew.goretzka@env.nm.gov

The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

NMED acts to hold DOE accountable for legacy waste **Agency files enforcement at LANL, initiates WIPP permit modification**

SANTA FE — The New Mexico Environment Department issued several actions today to hold the U.S. Department of Energy accountable for failing to prioritize the cleanup of Los Alamos National Laboratory's "legacy waste" for disposal at the Waste Isolation Pilot Plant.

The continued presence of a large volume of unremediated hazardous and radioactive waste demonstrates a longstanding lack of urgency by the U.S. Department of Energy (DOE) and elevates the risk of waste storage failures at Los Alamos National Laboratory (LANL).

The term "legacy waste" describes mixed waste that dates to the Oppenheimer and Manhattan Project era in the 1940s through the 1990s. Legacy waste poses a threat to New Mexico's land, water, and air without proper cleanup and disposal. Legacy waste from Los Alamos National Laboratory and other such sites around the U.S. is slated for disposal in the Waste Isolation Pilot Plant (WIPP). The federal Land Withdrawal Act sets WIPP's capacity at 6.2 million cubic feet of transuranic waste and the facility is nearly half full.

Today's announcement includes three enforcement actions related to DOE's current operations at LANL and the formal initiation of an operating permit modification at WIPP.

"The U.S. Department of Energy has failed to meet the Environment Department's requirements to cleanup legacy waste at Los Alamos National Laboratory and prioritize the disposal of such waste in the Waste Isolation Pilot Plant," said **Environment Secretary James Kenney**. "New Mexicans have stepped up to help solve the nation's cleanup problem in a way that residents of no other state have. The U.S. Department of Energy must prioritize their health and welfare by expediting cleanup at Los Alamos National Laboratory and ensuring there's space for New Mexico's legacy waste at the Waste Isolation Pilot Plant."

For example, the DOE proposed to leave an 11.8-acre landfill containing legacy waste buried in unlined pits at LANL located above the regional drinking water aquifer. Rather than excavating the legacy waste and shipping it to WIPP per the New Mexico Environment Department's recommendation, DOE is pursuing a cheaper and less effective solution that doesn't address long-term safety concerns.

The actions issued to DOE include:

1. **Enforcement Action:** Administrative compliance order related to hazardous waste violations that requires the DOE to submit documentation to NMED to support its request to defer the cleanup of an 11-acre landfill containing toxic and radioactive pollution (known as Material Disposal Area C or "MDA C") at LANL. A copy of this enforcement action is [available here](#).
2. **Enforcement Action:** An administrative compliance order and civil penalty of \$6,026,124 related to hazardous waste violations and the 2024 consent order regarding LANL's management of the groundwater chromium plume that migrated off-site and onto the Pueblo of San Ildefonso. DOE must submit a revised interim measures plan with an implementation schedule to NMED for approval. A copy of this enforcement action is [available here](#).
3. **Enforcement Action:** An administrative compliance order and civil penalty of \$9,784,503 related to groundwater standards violations for chromium at LANL. DOE is required to develop a corrective action plan for mitigation and cleanup within 60 days and must submit a revised groundwater discharge permit application to NMED. A copy of this enforcement action is [available here](#).
4. **Permit Modification:** The Cabinet Secretary initiated a department modification to WIPP's operating permit to require explicit standards and metrics for the disposal of waste from LANL. Between 2021 and 2025, DOE disposed of five times more waste in WIPP from Idaho National Laboratory than LANL. This letter is the first step in commencing a public process. NMED will publish draft permit language and seek public comment this spring. A copy of the letter initiating the permit modification is [available here](#).

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