



# New Mexico Environment Department

Radioactive and Hazardous Materials Committee  
June 9, 2026





# Radioactive and Hazardous Materials

*Jurisdiction, definitions are complex under federal and state laws and regulations.*

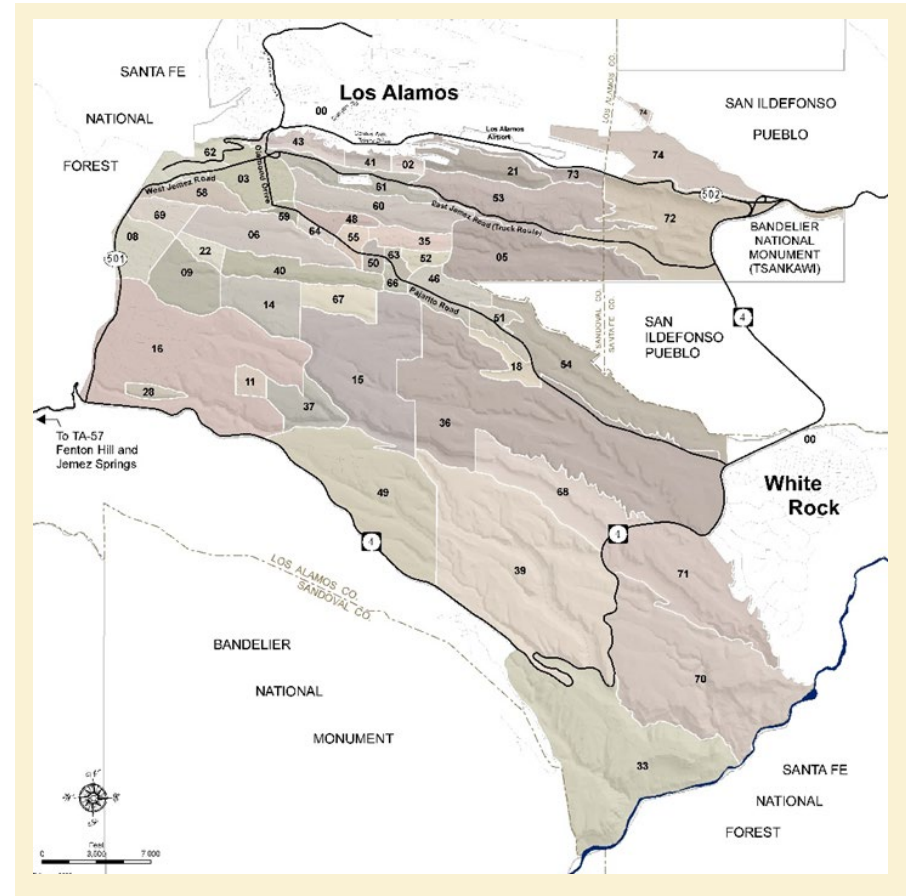
Facility	Hazardous Wastes	Radioactive Wastes
Upstream oil and gas	Not regulated	Regulated
<b>Los Alamos National Lab</b>	Regulated	Not regulated*
Sandia National Labs	Regulated	Not regulated*
<b>Waste Isolation Pilot Plant</b>	Regulated	Not regulated*
Cannon, Holloman, Kirtland AFB	Regulated	Not regulated*
Spent Commercial Nuclear Fuel	Not regulated	Not regulated

*\*When a radioactive waste is mixed with a hazardous waste, we call that a mixed waste, and NMED has jurisdiction over mixed wastes*



# Los Alamos National Laboratory

- DOE and its contractors operate under a hazardous waste permit and a Consent Order.
- The Consent Order requires DOE to conduct assessment and cleanup for releases of contamination from legacy sites, including contamination of groundwater.
- Like the permit, the Consent Order is an enforceable document pursuant to federal and state law.
- August 30, 2024: NMED and DOE executed a modified Consent Order to resolve litigation filed by NMED in 2021.





# Los Alamos National Laboratory

February 2026 – NMED issued three enforcement actions:

1. 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.

2. Administrative compliance order and civil penalty of \$6.0M 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.



STATE OF NEW MEXICO  
**Environment Department**  
MICHELLE LUJAN GRISHAM, GOVERNOR  
James C. Kenney, Cabinet Secretary

**NEWS RELEASE**  
For Immediate Release

February 11, 2026

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

**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 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.*

3. 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.



# Waste Isolation Pilot Plant



Image credit: Associated Press News

- In November of 2023, after negotiations with the permittees and intervening parties in the WIPP permit renewal, an agreement was reached and the permit was renewed for ten years.
- U.S. DOE's concessions were captured in settlement agreement signed by all parties on June 23, 2023 and included in the current WIPP permit. The concessions/permit conditions required:
  - Prioritizing cleanup and shipments from Los Alamos National Lab (LANL) to WIPP.
  - Building a new underground panel in the WIPP, known as panel 12, for legacy waste cleanup activities.



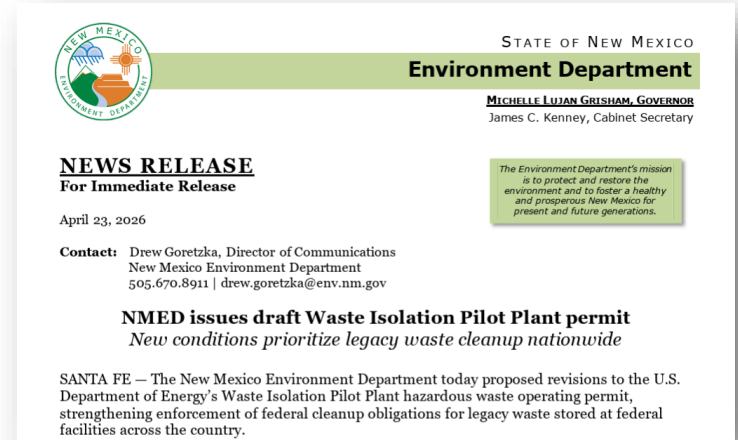
# Waste Isolation Pilot Plant

February 2026 – NMED announced its intent to modify the WIPP permit to require explicit standards and metrics for the disposal of waste from LANL.

April 2026 – NMED proposed permit modifications would require DOE to meet its legal obligations to the State of New Mexico through several measures, including:

1. Defining legacy waste: For too long, DOE has operated without a clear permit definition of legacy waste. This change allows definitions used in other states to be considered and holds DOE accountable to New Mexico's definition.
2. Setting objective metrics for LANL legacy waste cleanup: DOE must ensure that LANL legacy waste accounts for 55% of total disposal volume at WIPP from 2027 through 2031, increasing to 75% beginning in 2032.

3. Establishing clear deadlines: DOE must dispose of all above-ground LANL Material Disposal Area G legacy waste at WIPP by July 1, 2028.
4. Requiring enhanced transparency: DOE must provide more robust reporting to demonstrate compliance with these requirements.





# 2026 and Beyond...

## New Mexico is leading:

- ❑ PFAS Consumer Product rule implementation (2025 HB212).
- ❑ PFAS Hazardous Waste rule implementation (2025 HB140)
- ❑ Review of PFAS Consumer Product rule implementation and fluoropolymer exemption (2026 HJM3)
- ❑ Circular Economy grants and contracts (2025 HB291 and 2026 HB2)
- ❑ Abandoned Uranium Mining Clean-up (2025 and 2026 HB2)

## New Mexico needs to watch:

- ❑ Federal executive agencies weakening of science, regulations, and budget proposals.
- ❑ Federal facility non-compliance due to loss of budget for personnel and contractors which will increase state litigation and remedial costs.
- ❑ Reduction in federal loans and grants for community critical infrastructure like drinking water, wastewater, solid waste/recycling.
- ❑ The science related to microplastics and consider legislative action.