Revised Consent Order

- Public Comment Period
- Overview of Revised Consent Order
- NMED Perspective
- Next Steps
Public Comment Period

- Revised Consent Order (CO) was issued today, March 30th, for Public Comment
  - 45-day public comment period
    - March 30, 2016-May 16, 2016
  - Notice published in local newspapers
  - Several opportunities for public comment period:
    - Today’s NNMCAB Meeting
    - Regional Coalition of LANL Communities – April 8th
    - NMED-sponsored open house meeting- April 28th
    - Meetings with individual stakeholders
Overview of Revised Consent Order

- Revised Consent Order
  - November 12th preview of revised CO highlighted four enhancements to original CO
    1. Campaign Approach
    2. Cleanup vs. Investigation
    3. Annual Planning Process
    4. Data Quality Objectives
  - These enhancements will facilitate cleanup at LANL, as most preliminary investigations have been completed
  - All four enhancements have now been incorporated into the revised document
Revised Consent Order

- **Campaign Approach – Section VIII**
  - Defined using key criteria that help to group the legacy cleanup work into “campaigns.”
    - E.g., risk level, stakeholder priorities
  - Consists of one or more projects
    - Campaigns and projects consist of one or more tasks or deliverables (e.g., work plan, well installation)
  - Lasts from project(s) start to finish and can last multiple years.
  - See Appendix C for the descriptions of each Campaign.
Focus on Cleanup – Section VIII

- All descriptive language regarding areas for investigation has been removed, enhancing focus on cleanup.
- Sections XIX and XX allow for “accelerated” and “at risk” work as well as presumptive remedies, enhancing prioritization of cleanup.
- Process in place to resolve comments and issues early, enhancing performance on cleanup.
  - Section XXII – Designated Agency Managers
  - Section XXIII – Preparation/Review/Comment on Documents
Revised Consent Order (Cont’d)

- Annual Planning Process – Section VIII.C
  - Process for updating Appendix B
    - Current FY, FY+1, & FY+2, w/ milestones and targets
  - Appendix B [Milestones and Targets] updated annually
    - Reality check includes: changed conditions, priorities, & funding
    - Transparency: Revised Appendix B posted on NMED’s website
  - Dynamic process allows for revision during the year due to upward or downward adjustments in funding
Data Quality Objectives (DQOs)

Section XIII – Facility Investigation

- Focused on the overall goals - accomplish environmental cleanup and reduce risk
- Work Plans shall describe the objective(s) of the work; Permittee executes

- Methods/Procedures used during field work included in Reports

- Guidance on conducting investigations – Appendix F
More Significant Enhancements:

- Relationship to the RCRA Permit — Section VII
  - Clarified RCRA Permit requirements vs. CO requirements
  - Clarified what happens upon termination of CO

- Designated Agency Managers (DAMs) — Section XXII
  - Responsible for coordinating the implementation of the CO
  - Position must have sufficient decision-making authority

- Stipulated Penalties for Non-Performance
Revised Consent Order (Cont’d)

- What has not changed:
  - All work covered under March 1, 2005 CO is carried forward into the Revised CO
    - Includes work identified in the future (e.g., deferred sites)
  - Public participation for remedy selections continues
  - Stipulated penalties continue, and at higher level
  - Cleanup levels continue at rigorous levels
Revised CO:
- Focuses on cleanup of legacy contamination
- Provides flexibility to NMED and LANL to enable success rather than delay
- Has stronger enforcement provisions
- Provides plan for how/when all cleanup work will be completed
  - Supports discussions on future funding levels for LANL
Next Steps

- Public input is critical – we want your feedback
  - Appendices B & C
    - Campaign structure/organization
    - Prioritization of Campaigns
- Meet with individual stakeholders
- How can you help?
  - Provide comments
  - Pass resolutions
  - Send letters of support
Next Steps (Cont’d)

Reminders:

- The March 1, 2005 CO is still in effect until it is replaced by a revised version.
- Public Comment Period ends at 5:00 PM on May 16, 2016
  - Written comments (including email) may be sent to:
    - Kathryn Roberts: kathryn.roberts@state.nm.us
Questions?