

# NMED

New  
Mexico  
Environment  
Department



## NORTHERN NEW MEXICO CITIZENS ADVISORY BOARD MARCH 30, 2016

Ryan Flynn  
Cabinet Secretary  
New Mexico Environment Department

# Revised Consent Order

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

# Public Comment Period

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- Revised Consent Order (CO) was issued today, March 30<sup>th</sup>, 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 NNM CAB Meeting
    - Regional Coalition of LANL Communities – April 8<sup>th</sup>
    - NMED-sponsored open house meeting- April 28<sup>th</sup>
    - Meetings with individual stakeholders
    - May 18<sup>th</sup> NNM CAB Meeting
      - Report on comments received



# Overview of Revised Consent Order

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## □ Revised Consent Order

- November 12<sup>th</sup> 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

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- 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



# Revised Consent Order (Cont'd)

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- 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)

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- 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



# Revised Consent Order (Cont'd)

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- 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





# Revised Consent Order (Cont'd)

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- 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)

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- 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
  - ▣ Cleanup levels continue at rigorous levels



# NMED Perspective

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- 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

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- 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)

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## 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](mailto:kathryn.roberts@state.nm.us)



# Questions?

