

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

3

- 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 NNM CAB Meeting
 - Regional Coalition of LANL Communities – April 8th
 - NMED-sponsored open house meeting- April 28th
 - Meetings with individual stakeholders



Overview of Revised Consent Order

4

□ 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

5

- 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)

6

- 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)

7

- 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)

8

- 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)

9

- 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)

10

- 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



NMED Perspective

11

- 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

12

- 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)

13

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?

