

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

Jennifer J. Pruet, Deputy Secretary

**NEWS RELEASE***For Immediate Release***Feb. 25, 2021**

*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.*

**Contact:** Maddy Hayden, Communications Director  
New Mexico Environment Department  
505.231.8800 | maddy.hayden@state.nm.us

## **Environment Department files complaint against U.S. Department of Energy to speed clean-up of legacy waste, terminate 2016 Consent Order at Los Alamos National Laboratory**

*Non-compliance with 2016 Consent Order causing unacceptable delays, threatening public health and the environment*

**SANTA FE** — The New Mexico Environment Department (NMED) filed a civil complaint in First Judicial District Court against the U.S. Department of Energy (DOE) for failing to make progress on clean-up of contamination as required by the 2016 Compliance Order on Consent (2016 Consent Order) at Los Alamos National Laboratory (LANL). NMED found the DOE Los Alamos Field Office's 2021 Plan was inadequate due to a lack of substantive and appropriate clean-up targets for coming years.

LANL's current and historical operations include nuclear weapons design and testing; high explosives research, development, fabrication, and testing; chemical and materials science research; electrical research and development; laser design and development; and photographic processing. These operations generate numerous waste streams, including hazardous and radiological wastes. The 2016 Consent Order addresses the clean-up and disposition of the significant quantities of legacy waste at the facility.

"Today, we are seeking to terminate the 2016 Consent Order and initiate court-supervised negotiations to renegotiate clean-up terms that protect communities and their environment," said NMED Cabinet Secretary James Kenney. "The Department entered the 2016 Consent Order with high expectations, but almost five years later, our expectations are far from met."

In terms of relief sought, NMED seeks that LANL fully address the issues in the dispute resolution statement of claim that establishes a robust schedule for clean-up of legacy contamination; termination of the 2016 Consent Order; court-supervised negotiations to negotiate the terms of a new consent order; and a civil penalty of \$333,000 for DOE's lack of compliance with the mutually agreed upon annual planning process established in the 2016 Consent Order. NMED has attempted to resolve these issues through the mandated dispute resolution process that began in October 2020; however, the parties were unable to agree on an adequate plan. The dispute resolution process under the 2016 Consent Order ended on Jan. 22, 2021.

NMED will vigorously pursue this matter to ensure timely clean-up of legacy contamination that New Mexicans deserve through a comprehensive, expeditious and enforceable clean-up plan at LANL.

The final complaint is available [here](#).

###

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kathryn Becker, Non-Discrimination Coordinator | NMED | 1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502  
(505) 827-2855 or [nd.coordinator@state.nm.us](mailto:nd.coordinator@state.nm.us)

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.

###