

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY
RESOLUTION NO. 2017 - 129**

A RESOLUTION REQUESTING THAT THE NEW MEXICO ENVIRONMENT DEPARTMENT STRENGTHEN THE REVISED LOS ALAMOS NATIONAL LABORATORY CLEANUP CONSENT ORDER TO CALL FOR ADDITIONAL CHARACTERIZATION OF LEGACY NUCLEAR WASTES; REQUESTING THE DEPARTMENT OF ENERGY TO REQUEST INCREASE CLEANUP FUNDING FROM CONGRESS, AND SIGNIFICANTLY INCREASE SAFETY TRAINING; AND DIRECTING THE COUNTY MANAGER TO TRANSMIT COPIES OF THIS RESOLUTION TO ASSOCIATED PARTIES

WHEREAS, in June 2016, the Department of Energy (DOE) and New Mexico Environment Department (NMED) signed a new revised Consent Order governing cleanup that incorporates several loopholes whereby Los Alamos National Laboratory (LANL) can avoid comprehensive, complete cleanup by simply claiming that it is too difficult or costly; and

WHEREAS, the new Consent Order bases LANL cleanup on projections of future funding availability instead of what is actually needed to accomplish comprehensive, complete cleanup; and

WHEREAS, in August 2016, based on the new Consent Order, DOE released an estimated cleanup baseline that extended the timeframe for the completion of cleanup at LANL to 2040, asserting that only 5,000 cubic meters of waste needs to be cleaned up, while an estimated 30 times (150,000 cubic meters) that much legacy waste¹ is anticipated to be subject to “cap and cover”, which means leaving the waste buried where it is currently located on LANL property, above the drinking water supply of Santa Fe and Los Alamos Counties; and

WHEREAS, the DOE is expanding the production of new plutonium pit triggers at LANL for the nation’s nuclear weapons from 20 to up to 80 pits per year, which is estimated to nearly double the associated generation of radioactive and toxic wastes²; and

WHEREAS, plutonium pits are used as the “triggers” for the nation’s nuclear weapons; and

WHEREAS, plutonium is a radioactive and heavy metal substance with significant health and environmental risks; and

WHEREAS, independent experts outside of the Department of Defense have found that all plutonium pits, including those created when the existing nuclear stockpile was created over the last 72 years, have reliable lifetimes of a century or more, arguing that expanded production

¹ “Legacy waste” is radioactive, hazardous and/or toxic waste or mixed (radioactive and hazardous) waste that was generated, stored and/or disposed during the Cold War.

of plutonium pits is unnecessary; and

WHEREAS, the DOE has determined that “Required improvements to the [Nuclear] Criticality Safety Program are moving at an unacceptably slow rate” and that “The number and latency of infractions in the plutonium facility is of concern”, for which LANL received the only “red grade” (lowest score) in nuclear criticality safety in the DOE nuclear weapons complex in the 2016 report of the Department of Energy submitted to the Defense Nuclear Safety Facilities Board (DNSFB)²; and

WHEREAS, the nuclear weapons complex at LANL has suffered several accidents in recent years, documented in a multi-part series from the Center for Public Integrity,³ including the following events:

1. In March 2011, in violation of nuclear material handing protocols, a manager placed an amount of nuclear material in a glovebox⁴ that exceeded the criticality limit of the box;
2. In August 2011, technicians, seeking a photo-op, in violation of nuclear material handing protocols, placed eight rods of plutonium in close proximity to each other—several more rods would have triggered a deadly nuclear chain reaction;
3. A 2013 LANL study found that glovebox leaks in the Plutonium Facility (PF-4) occurred roughly three times a month, often the result of avoidable errors;
4. In December 2013, LANL sent a drum containing radioactive material to the Waste Isolation Pilot Plant (WIPP) disposal facility near Carlsbad that ruptured inside the facility—a result of improper mixing of ingredients—costing the federal government approximately \$1.5 billion to clean up;
5. In May 2016, a trolley used to carry nuclear materials in a facility at LANL fell from the ceiling and crashed into a glovebox, which was fortunately empty and not in use;
6. The DOE annual report to the DNSFB, released in February 2017, found that LANL was the only nuclear production site whose performance did not meet expectations in the functional area of criticality safety expectations⁵;
7. In July 2017, a LANL employee sent “special nuclear material” across the country by air in direct violation of nuclear safety standards; and
8. In August 2017, two further incidents of mishandling of plutonium metals occurred, one of which was acknowledged as a ‘criticality safety event’; and
9. On September 23, 2017 three “pipefitters released airborne radioactive material when they removed a plug from a service panel on the base of a glovebox” and this incident involved “the same work crew and glovebox involved in the contamination August event.”⁶

² “2016 Annual Metrics Report to the Defense Nuclear Facilities Safety Board, January 2017, Nuclear Criticality Safety Programs,” https://www.dnfsb.gov/sites/default/files/document/10666/DOE%20Letter_2016%20Metrics%20Report_Feb-1-2017.pdf, see p. 4.

³ Center for Public Integrity, six-part “Nuclear Negligence” series at <https://apps.publicintegrity.org/nuclear-negligence/>

⁴ A “glovebox” is a specially constructed container that permits the safe handling of hazardous and toxic materials, including radioactive materials, utilizing gloves that employees slip their hands into, allowing them to touch and manipulate those materials.

⁵ https://www.dnfsb.gov/sites/default/files/document/10666/DOE%20Letter_2016%20Metrics%20Report_Feb-1-2017.pdf

⁶ September 29, 2017 DNFSB “Los Alamos Report for Week Ending September 29, 2017” and “Los Alamos Report for Week Ending September 1, 2017” at <https://www.dnfsb.gov/sites/default/files/document/12881/Los%20Alamos%20Week%20Ending%20September%201%2C%202017.pdf> and

WHEREAS, DOE should request increased funding from Congress and allocate sufficient funding to ensure all contractor staff working with radioactive and hazardous material are trained in the handling of said material, and overseen by more federal nuclear safety experts, in order to ensure the safety of the employees, downwind and downstream communities, the nuclear stockpile and the surrounding communities, including Santa Fe County; and

WHEREAS, DOE should ensure that DOE staffing targets are fully met on a priority basis, as the February 2017 report of DOE to the DNSFB noted that targeted staffing levels had not been met⁷; and

WHEREAS, radioactive and hazardous contaminants produced as a result of nuclear weapons research and production at LANL have been and continue to be released into the Rio Grande and the Española Basin Aquifer⁸, designated by the Environmental Protection Agency as a Sole Source Aquifer⁹; and

WHEREAS, LANL's legacy radioactive and toxic wastes are located as close as eighteen miles from the Santa Fe Plaza and 5 miles from the Buckman Well Field and Buckman Direct Diversion Project; and

WHEREAS, LANL's radioactive and toxic wastes are buried in unlined pits, trenches and shafts, unlike the composite liners and leachate collection systems that the (NMED) requires of all local governments; and

WHEREAS, the Governing Body of the County of Santa Fe supports the complete and permanent cleanup of all hazardous, toxic and radioactive wastes related to nuclear weapons research and production at Los Alamos; and

WHEREAS, sustainable futures for the Counties of Santa Fe, Rio Arriba, Sandoval and Los Alamos, six Pueblo nations and the broader region depend on preventing groundwater contamination of the Española Basin Aquifer and the Rio Grande; and

WHEREAS, at the October 5, 2017 meeting of the Buckman Direct Diversion Board (BDDDB), a motion was unanimously approved that authorized the Board Chair to sign the proposed Memorandum Of Understanding Between The U.S. Department Of Energy And The

<https://www.dnfsb.gov/sites/default/files/document/13166/Los%20Alamos%20Week%20Ending%20September%2029%2C%202017.pdf>

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https://www.dnfsb.gov/sites/default/files/document/10666/DOE%20Letter_2016%20Metrics%20Report_Feb-1-2017.pdf

⁸ "Interim Measures Work Plan for the Evaluation of Chromium Mass Removal," LA-UR-13-22534, April 2013, EP2013-0073, p. 1, see also Fig. 1.0-1 (p. 13) and Fig. 1.0-2 (p. 14).

Related NMED Ground Water Quality Bureau permits:

1. DP-1835: Extraction Wells and Injection Wells for Chromium Project
2. DP-1793: Land Application of Treated Chromium Project waters in Mortandad Canyon

⁹ A Sole Source Aquifer is defined by the EPA as an aquifer that supplies at least 50% of the drinking water for its service area and where there are no reasonably available alternative drinking water sources should the aquifer become contaminated. <https://www.federalregister.gov/documents/2008/01/22/E8-999/determination-of-sole-source-aquifer-petition>

Buckman Direct Diversion Board Regarding Notification And Water Quality Monitoring after review and agreement on six proposed edits; and

WHEREAS, at the October 5, 2017 meeting of the BDDDB, a representative from the Los Alamos DOE office committed that status updates would be provided to BDDDB as requested regarding the overall cleanup program, including the hexavalent chromium plume in Mortandad Canyon with concentrations above regulatory levels; and

WHEREAS, complete cleanup of LANL would benefit all New Mexicans, permanently protecting precious surface and groundwater resources and the Rio Grande while creating hundreds of high paying jobs for twenty years or more if the wastes were completely removed.

NOW, THEREFORE, BE IT RESOLVED that the Santa Fe County Board of County Commissioners (Board) hereby requests (a) that the NMED strengthen the revised 2016 Cleanup Consent Order to require additional characterization of legacy nuclear wastes; (b) that DOE request increased cleanup funding from Congress; and (c), that DOE significantly increase safety training for all employees at LANL.

BE IT FURTHER RESOLVED by the Board that the County Manager is hereby directed to send copies of this Resolution to the New Mexican Congressional Delegation, the Governor of New Mexico, the President Pro Tempore of the New Mexico Senate, the Speaker of the New Mexico House of Representatives, and the Secretaries of the United States Department of Energy, Department of Defense, The Defense Nuclear Facilities Safety Board, Environmental Protection Agency and the New Mexico Environment Department.

PASSED, APPROVED, AND ADOPTED THIS 14th **DAY OF** November, 2017.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: [Signature]
Henry P. Roybal, Chair

ATTEST:

[Signature] Date: 11/14/2017
Geraldine Salazar, Santa Fe County Clerk



SFC CLERK RECORDED 11/15/2017

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 15TH Day Of November, 2017 at 11:38:12 AM
And Was Duly Recorded as Instrument # **1841438**
Of The Records Of Santa Fe County

Deputy [Signature] Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM



APPROVED AS TO FORM:



R. Bruce Frederick, Santa Fe County Attorney

Date: 11/14/2017

SFC CLERK RECORDED 11/15/2017