



2016 Compliance Order on Consent Los Alamos National Laboratory Fact Sheet



OVERVIEW

The Compliance Order on Consent, commonly called the Consent Order, is an enforceable agreement between the New Mexico Environment Department (NMED) and the Department of Energy (DOE) for the cleanup of legacy waste at Los Alamos National Laboratory (LANL). Issued in June 2016, the Consent Order establishes an effective structure for accomplishing cleanup work on a priority basis through the use of dedicated campaigns with achievable milestones and targets.

HISTORY

The 2016 Consent Order supersedes the 2005 Consent Order. The 2016 Consent Order continues cleanup processes and enforcement provisions from the 2005 Consent Order. It also includes work from the 2005 Consent Order that remained uncompleted. The 2016 Consent Order enables DOE and NMED to annually prioritize cleanup work and establish a schedule for key deliverables based on up-to-date information, such as latest monitoring data, funding, and risk.

JANUARY 2020 STATUS

- Fiscal year (FY) 2020 includes 17 milestones tied to nine cleanup campaigns.
- For FY19, 18 of the 20 milestones were met. One was renegotiated and one was missed.
- The milestone for the Known Cleanup Sites was renegotiated and completed in early FY20.
- 71 additional deliverables were completed in FY19, including certificates of completion and periodic monitoring reports.

CONSENT ORDER AT A GLANCE

Constitutes compliance with the Resource Conservation and Recovery Act (RCRA) and New Mexico's Hazardous Waste Act (HWA) for legacy waste cleanup work at LANL.

Provides the framework for NMED and DOE to establish 10-20 milestones annually for the upcoming fiscal year (FY) and identify 10-20 targets for each of the next two fiscal years (FY+1 and FY+2)

Applies to hazardous waste, including the hazardous portion of mixed waste. The Consent Order does not apply to radioactive waste.

HOW THE 2016 CONSENT ORDER WORKS

- Cleanup work detailed in the 2016 Consent Order is grouped into campaigns, several of which are in progress and will continue towards completion
- As one campaign winds down and completes, the next prioritized campaign will commence and continue until completion

PRIORITIZING CLEANUP WORK

Consent Order campaigns are prioritized based on risks to workers, the public, and the environment, as well as stakeholder priorities, as agreed by DOE and NMED. Each campaign consists of one or more projects, and includes one or more milestones and targets. The campaigns may be revised annually based on work progress, changed conditions, risk, and funding.

CONSENT ORDER PURPOSES

1. Establishes legally-enforceable legacy cleanup at LANL
2. Prioritize cleanup through campaigns with achievable milestones and targets
3. Achieve cost-effective work
4. Minimize duplicating work and documentation and ensure quality data management
5. Establish new campaigns and milestones as information becomes available and campaigns are completed
6. Ensure the parties cooperate and exchange information
7. Provide for effective public engagement

DEFINITIONS: MILESTONES AND TARGETS

A milestone is an enforceable deadline for action for the current FY. "Target" means a non-enforceable deadline for the next two fiscal years (FY+1 and FY+2). Milestones are subject to stipulated penalties. Targets are not enforceable and not subject to stipulated penalties. The milestones and targets are listed in Appendix B of the Consent Order.

CONSENT ORDER CAMPAIGNS UNDERWAY

Campaigns in progress include Chromium Interim Measures and Characterization, Royal Demolition Explosives (RDX) Characterization, Historical Properties Completion, Known Cleanup Sites (Above SSLs), and Technical Area 21 D&D and Cleanup. Base program compliance monitoring activities, such as those for groundwater, are not specifically part of a campaign, but are done continuously according to the existing work plans.

COMMITTED TO CLEANUP

DOE and NMED are committed to completing the remaining legacy cleanup work at LANL in an efficient manner that is protective of the site workforce, the public and the environment.

PUBLIC ENGAGEMENT

Each year, NMED and DOE establish new milestones and targets. Afterward, NMED hosts a public meeting to describe work accomplished during the previous year and any changes in funding levels or other factors that may have contributed to changes to the milestones and targets.

Following NMED selecting a proposed cleanup remedy, the agency initiates a public comment period, allowing the opportunity for a public hearing on the proposed remedy before making a decision.

RESOURCES

The Consent Order can be found at <https://www.energy.gov/em-la/2016-consent-order> and hard copies are available in the DOE public reading room, 94 Cities of Gold Road, Santa Fe, NM, 87506.

CONTACT DOE Environmental Management Los Alamos Field Office (505) 665-5658 | publicaffairs.emla@em.doe.gov