

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2017-76**

**INTRODUCED BY:**

Councilor Renee D. Villarreal

Councilor Joseph M. Maestas

Councilor Carmichael A. Dominguez

Councilor Mike Harris

Councilor Signe I. Lindell

**A RESOLUTION**

**REQUESTING THAT THE NEW MEXICO ENVIRONMENT DEPARTMENT STRENGTHEN THE REVISED LOS ALAMOS NATIONAL LABS CLEANUP ORDER TO CALL FOR ADDITIONAL CHARACTERIZATION OF LEGACY NUCLEAR WASTES, INCREASED CLEANUP FUNDING, AND SIGNIFICANT ADDITIONAL SAFETY TRAINING; AND SUSPEND ANY PLANNED EXPANDED PLUTONIUM PIT PRODUCTION UNTIL SAFETY ISSUES ARE RESOLVED; AND DIRECTING THE CITY CLERK TO TRANSMIT COPIES OF THIS RESOLUTION TO ASSOCIATED PARTIES.**

**WHEREAS,** in June 2016, DOE and NMED signed a new revised Consent Order governing cleanup that incorporates giant loopholes whereby LANL can avoid

comprehensive 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 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 that much legacy waste is anticipated to be subject to “cap and cover”, i.e., leaving said waste buried where it is currently located on LANL property; and

**WHEREAS**, the Department of Energy (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 related radioactive and toxic wastes; and

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

**WHEREAS**, plutonium is a 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 60 years, have reliable lifetimes of a century or more, arguing that expanded production of plutonium pits is unnecessary; and

**WHEREAS**, the Department of Energy has determined that “Required improvements

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

**WHEREAS**, the nuclear weapons complex at Los Alamos National Laboratory has suffered several accidents in recent years, documented in a multi-part series from the Center for Public Integrity; and

**WHEREAS**, these events include:

1. In March 2011, in violation of nuclear material handling protocols, a manager placed an amount of nuclear material in a glovebox that exceeded the criticality limit of the box; and

2. In August 2011, technicians, seeking a photo-op, in violation of nuclear material handling 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 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 WIPP storage facility near Carlsbad that ruptured inside the facility – a result of improper mixing of ingredients – costing the government \$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 expectations;;

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

**WHEREAS**, DOE should increase and allocate sufficient funding to ensure all contractor staff working with radioactive and hazardous material are trained in the handling of said material, overseen by more federal nuclear safety experts, in order to ensure the safety of the employees, the nuclear stockpile and the surrounding communities, including the city of Santa Fe; 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 met; and

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

**WHEREAS**, LANL's legacy radioactive and toxic wastes are located as close as eighteen miles from the Santa Fe Plaza and five miles from the City's Buckman Well Field; and

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

**WHEREAS**, the Governing Body of the City of Santa Fe supports the total and permanent cleanup of all toxic and radioactive health and environmental hazards related to nuclear weapons research and production at Los Alamos; and

**WHEREAS**, sustainable futures for the Cities of Santa Fe, Española and Los Alamos, six Pueblo nations and the broader region depend on preventing groundwater contamination of the Española Basin Aquifer; 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 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 plume demonstrated to have hexavalent chromium concentration above regulatory levels; and

**WHEREAS**, the Governing Body has previously passed Resolution Nos. 2003-64, 2006-104, 2008-17 and 2013-111 opposing expansion of plutonium pit production at LANL and “cap and cover” of legacy wastes as a substitute for full cleanup; and

**WHEREAS**, full cleanup of LANL would be a win-win for New Mexicans, permanently protecting our precious groundwater resources and the Rio Grande while creating hundreds of high paying jobs for twenty years or more if the wastes were fully removed.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE** that the Governing Body hereby requests that the New Mexico Environment Department strengthen the revised cleanup Consent Order to call for additional characterization of legacy nuclear wastes, increased cleanup funding, and significant additional safety training, thereby incentivizing DOE to seek increased funding for these tasks.

**BE IT FURTHER RESOLVED** that the Governing Body requests that the United States Department of Energy suspend any planned expanded plutonium pit production until all nuclear criticality safety issues are resolved, as certified by the Defense Nuclear Facilities Safety Board.

**BE IT FURTHER RESOLVED** that the Governing Body directs the City Clerk 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 and the New Mexico Environment Department.

PASSED, APPROVED and ADOPTED this 25<sup>th</sup> day of October, 2017.

ATTEST:

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JAVIER GONZALES, MAYOR

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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

*M/Legislation/Resolutions 2017/2017-76 LANL Cleanup*

A “glovebox” is a specially constructed contained what 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.

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