

Local Governments Should Leave the Regional Coalition of LANL Communities

Summary: Local governments get little in return for being members of the Regional Coalition of LANL Communities (RCLC). That is because the Coalition is ineffective, dysfunctional, wastes taxpayers' money and stands in the way of genuine, comprehensive cleanup at the Los Alamos National Laboratory. The RCLC was created to serve the interests of the Department of Energy and Los Alamos County, both of whom strongly support expanded plutonium pit production for new nuclear weapons and supply 80% of the Coalition's funding. The Regional Coalition brings no discernible economic benefit to local governments other than already rich Los Alamos County because the Lab's presence is an economic net loss to them. Local governments should not put their time and money into the Coalition. Instead, their constituents would be better served if local governments left the coalition and advocated for comprehensive cleanup that would permanently protect the environment while providing hundreds of high paying jobs.

Background

In 2011 the Department of Energy pulled promised funding from the Community Involvement Fund administered by the New Mexico Community Foundation that supported independent, often critical citizen and tribal analyses of DOE cleanup programs. At the same time DOE began funding the Regional Coalition of LANL Communities modeled on earlier alliances with local governments around the Rocky Flats Plant near Denver, CO and the Mound Plant, near Mound, OH. As an early Regional Coalition fact sheet noted:

“As shown at Rocky Flats (Colorado) and Mound (Ohio), upfront investments in regional, governmental partnerships yield significant returns for the taxpayer. At Rocky Flats, for instance, DOE provided the local government organization approximately \$300,000/year for seven years. In return, DOE was able to proactively resolve complex technical and policy issues. As the U.S. Government Accountability Office recognized, resolving those issues with local elected officials was part of the reason Rocky Flats closed years early, saving the taxpayer billions of dollars. Mound realized similar savings through its investments with local governments.”¹

Saving taxpayers' money is always a virtue, except when it's at the expense of needed cleanup, the lack of which can impact precious water resources and ongoing generations. The Los Alamos National Laboratory's (LANL's) and Rocky Flats' shared mission of plutonium pit production was abruptly stopped at the Colorado site in 1989 by an FBI raid investigating environmental crimes.² Subsequent “cleanup” at the Rocky Flats Plant was cleanup on the cheap. Originally estimated to take decades and cost up to \$40 billion dollars, DOE's so-called cleanup took less than 10 years and cost under \$7 billion. Cleanup of soil contaminated with plutonium was done at a level of up to 50 picocuries of plutonium in a gram per of soil³ and only to three feet of depth. From 3 feet to 6 feet the cleanup standard was 1,000 picocuries per gram of soil. “Below six feet, they buried the Infinity Rooms from the [plutonium] processing buildings that were collapsed and kept onsite. The Infinity Rooms are rooms where the radiation is so high, it was off the charts and they had to seal the rooms off with large lead lined panels while in operation.”⁴

¹ 2012 *Regional Coalition Fact Sheet*, RCLC, at <https://nukewatch.org/regional-coalition-fact-sheet-2012-3-22/>

² For the full story on how grand jury indictments of DOE and Rocky Flats contractor officials were quashed by the District Attorney see *The Ambushed Grand Jury* <https://rockyflatsambushedgrandjury.com/> Also recommended *The Day They Almost Lost Denver* on the May 1969 fire at <https://thebulletin.org/1999/07/the-day-they-almost-lost-denver/>

³ In comparison the standard for earlier cleanup at Johnston Atoll in the Pacific (used for atmospheric nuclear weapons testing) was to a level of 17 picocuries of plutonium per gram of soil. See <https://ieer.org/resource/press-releases/setting-cleanup-standards-protect/>

⁴ *How Clean is Rocky Flats Really?* <https://rockyflatsglows.com/clean-up/>

The 4,000 acre buffer area surrounding the old Rocky Flats Plant has been declared a wildlife refuge, shielding it from having to be cleaned up to a residential standard. The 1,300 acre core area remains fenced and closed to the public in perpetuity. In other words, cleanup at the Rocky Flats Plant was woefully incomplete with plutonium five times the standard still being occasionally detected in surface soil.⁵

It was the Regional Coalition of LANL Communities' predecessor that paved the way for woefully incomplete cleanup at the Rocky Flats Plant. It is also no accident that many of the DOE and contractor personnel from the Rocky Flats Plant cleanup have moved to New Mexico for the Los Alamos "cleanup" (as have Rocky Flats pit production personnel as well). In fact, the "Regulatory & Stakeholder Interface Manager" for N3B (the LANL cleanup contractor) was the former head of cleanup at the Rocky Flats Plant.⁶ Clearly, DOE is planning a Rocky Flats Plant-style "cleanup on the cheap" for LANL which the Regional Coalition of LANL Communities is helping to facilitate. In fact, DOE is claiming that "cleanup" at LANL is already more than half complete⁷ (more below).

What Does the Regional Coalition Have to Show After Spending \$2 million?

The Regional Coalition has spent at least 2 million taxpayer dollars to date.⁸ DOE has granted around \$1 million while Los Alamos County has granted \$600,000 and acts as the RCLC's fiscal agent. Concerning the DOE money, federal funding has strict rules against using taxpayers' money for lobbying, which conflicts with the Regional Coalition's self-proclaimed main virtue of lobbying for increased funding for LANL cleanup. What then does the Regional Coalition have to show for spending at least one million dollars of taxpayers' money? There is no clear answer other than the Executive Director's salary of more than \$150,000 each year for the last 10 years.

RCLC claims "The advocacy of the Regional Coalition of LANL Communities... has increased LANL cleanup budgets by tens of millions of dollars..."⁹ The RCLC has no more right to claim that than does Nuclear Watch New Mexico (and we and other groups have been successfully lobbying for increased cleanup funding above the DOE request for twice as long). The fact is that the New Mexico congressional delegation is always going to seek increased funding for LANL whether it is nuclear weapons or cleanup programs. It certainly doesn't take the Regional Coalition spending 2 million dollars on itself to get them to do it. Further, RCLC's "partnership" with DOE did not prevent the Energy Department from proposing to cut FY 2021 LANL cleanup funding by nearly half to \$120 million. In fact, it was Nuclear Watch New Mexico who first publicized and denounced that cut (which RCLC failed to do), after which the NM congressional delegation immediately said they would block that cut and restore cleanup funding.

Furthermore, out of the \$2 million that the Regional Coalition has ineffectively spent, some was improperly spent on perks such as alcohol and Major League Baseball tickets while in Washington, DC. This prompted two separate investigations by the Los Alamos County government (as RCLC's fiscal agent) and the New Mexico State Auditor. The latter stated that "The OSA's [Office of State Auditor] special audit revealed

⁵ For example, see Channel 9news, August 20, 2019, <https://www.9news.com/article/news/local/next/a-soil-sample-near-rocky-flats-had-5-times-the-cleanup-standard-for-plutonium-heres-why-you-shouldnt-freak-out/73-22737657-2e0c-481e-a68f-511f8aa25c19>

⁶ See <https://www.energy.gov/em/contributors/frazer-lockhart>

⁷ *LANL Legacy Cleanup By the Numbers*, DOE, June 2018, <https://nukewatch.org/newsite/wp-content/uploads/2021/03/LANL-claims-cleanup-over-half-completed-06-20.pdf>

⁸ Projected from the *RCLC FY2019 Budget Update as of June 30, 2019* which gives actual funding from FY 2017 to FY 2019 and expected funding for FY 2020. We project that back to 2011 when the Coalition was started for a reasonable but not certain amount of total funding, which we still confidently characterize as "at least \$2 million." Of note is \$100,000 each year from DOE (except FY 2019 when the RCLC was being audited for improper expenses), \$60,000 each year from Los Alamos County, \$10,000 each year from Santa Fe County, and \$10,000 each for most years from Rio Arriba County and the City of Santa Fe. Altogether those sources account for \$1.6 million of the at least \$2 million in funding for the RCLC. The remaining funding comes from the City of Española, the Town and County of Taos and the Pueblos of Ohkay Owingeh and Jemez. See <https://regionalcoalitionnm.org/wp-content/uploads/2020/05/RCLC-OperatingBudget-FY-19-6-30-19-update.pdf>

⁹ See <https://regionalcoalitionnm.org/about-us/>

many expenditures paid by the RCLC to governing board members, the Executive Director(s) and third parties totaling \$51,519.45 in improper expenditure payments from July 1, 2014 through June 30, 2018.”¹⁰

The Regional Coalition Stands in the Way of Genuine Cleanup at the Lab

The Regional Coalition stands in the way of genuine cleanup at the Lab because it supports a 2016 Consent Order negotiated between the New Mexico Environment Department (NMED) and DOE. That Consent Order so favored DOE contrary to the best interests of New Mexicans that NMED is now suing DOE to have the Order terminated. As an example, the Regional Coalition boasted as an “accomplishment” in 2016:

“The RCLC pushed for ensuring our communities had the documentation necessary to make marked progress on cleanup at LANL, by requesting a Lifecycle Baseline Cost from DOE Environmental Management (EM) and a Consent Order Agreement from NM Environment Dept. and DOE-EM to be sure we could defend our requests for additional cleanup funding.”¹¹

That 2016 Consent Order replaced an original 2005 Order negotiated between NMED and DOE that had numerous enforceable milestones for cleanup.¹² However, beginning in 2011 the Gov. Martinez Administration began to grant at the Lab’s request more than 150 cleanup milestone extensions (which the RCLC did not object to) and then had the gall to say that the 2005 Consent Order wasn’t working. In a process riddled with conflicts-of-interest, a former LANL employee representing NMED negotiated the new Order with DOE that explicitly subordinated Lab cleanup to the budget that DOE wants rather than having cleanup drive the budget. As a direct result, DOE more than doubled LANL’s FY 2021 budget for expanded pit production while proposing to cut cleanup by nearly half.

RCLC’s support for the 2016 Consent Order was not merely passive or just by omission. A few months after the defective 2016 Consent Order went into effect DOE released a *2016 Lifecycle Cost Estimate*¹³ for cleanup at LANL. The then-RCLC Executive Director declared:

“The Lifecycle Baseline documentation provides our communities the necessary foundation to properly advocate on behalf of the best possible scenarios for cleaning up legacy nuclear waste at the Laboratory in the most time and cost-efficient manner. After years of requests for this document, we now have the tool that can get us to additional cleanup dollars to get the job done.”

RCLC’s position could have hardly been more wrong. First, DOE’s baseline lowballed the cost of LANL cleanup at \$2.9 to \$3.8 billion with completion around 2040. From there DOE’s baseline stated that “based on realistic expectations of annual funding for the remaining work... annual funding is expected to remain constant throughout the duration of the cleanup mission.” Of course, it is DOE that is determining “realistic expectations” based on what it wants, which set up flat cleanup spending of around \$175 million per year when NMED is on record that more like \$250 million annually is required. Worse yet, DOE’s baseline claimed that “An estimated 5,000 cubic meters of legacy waste remains, of which approximately 2,400 cm [cubic meters] is retrievably stored below ground.” This willfully ignored the approximate 200,000 cubic meters of radioactive and toxic wastes buried in unlined pits and trenches in the Lab’s largest dump, Area G. Already plutonium has been detected more than 200 feet below Area G’s surface headed toward our groundwater.¹⁴

As late as the late 1990’s LANL was falsely denying that groundwater contamination was even possible, and even went so far as to formally request a waiver from NMED to even have to monitor for it (which was fortunately denied). Now sadly we now know that hexavalent chromium, high explosives, perchlorates and

¹⁰ *Regional Coalition of LANL Communities Special Audit for the Period of July 1, 2014 through June 30, 2018*, NM State Auditor, p. 37, https://reports.saonm.org/media/audits/4109_Regional_Coalition_of_LANL_Communities_-_Special_Audit_2018.pdf

¹¹ *2016 Regional Coalition Accomplishments*, <https://regionalcoalitionnm.org/actions-advocacy/>

¹² For Nuclear Watch NM’s detailed critique of the 2016 Consent Order see <https://nukewatch.org/newsite/wp-content/uploads/2021/02/Why-the-2016-LANL-Consent-Order-should-be-renegotiated-1-10-21.pdf>

¹³ DOE’s *2016 Lifecycle Cost Estimate Summary* at <http://nukewatch.org/importantdocs/resources/LBC-Summary-Aug-2016.pdf>

¹⁴ See http://nukewatch.org/importantdocs/resources/AGCME_Plate_B-3_radionuclides_subsurface.pdf

radioactive tritium have reached groundwater, which are harbingers of more to come. Even the Lab acknowledges that “Future contamination at additional locations is expected over a period of decades to centuries as more of the contaminant inventory reaches the water table.”¹⁵ To add to this, in June 2018 DOE began to falsely claim that “>1/2 of legacy cleanup has been completed.” In all of this the Regional Coalition has been complicit to DOE’s cleanup on the cheap by saying nothing, contrary to its claim that it speaks for all New Mexicans who want cleanup.¹⁶

As a final rebuke to the Regional Coalition’s support of the 2016 Consent Order that hobbled cleanup at the Lab, on February 25, 2021 NMED filed a lawsuit against DOE seeking to have the Order terminated. The Environment Department’s press release announcing the lawsuit closed with “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 Regional Coalition remains silent, continuing to stand in the way of that “comprehensive, expeditious and enforceable clean-up plan at LANL” while supporting the policies of DOE and Los Alamos County that supply 80% of its funding.

LANL’s Presence is a Net Economic Loss for Surrounding Counties

The Regional Coalition is comprised of elected officials from seven local governments and two Pueblos and purports to work for greater regional economic development. First, we argue that if the RCLC was genuine about regional economic development it would aggressively push for comprehensive cleanup at the Lab, which it does not. But the real economic dirty secret, which LANL tried to suppress,¹⁷ is that the Lab’s presence is a net economic loss to surrounding counties.¹⁸ Thus, membership in the RCLC does not rebound to the economic benefit of local governments.

	Revenues	Expenditures	Balance
TOTAL	\$214,216,286	\$186,861,891	\$27,354,395
State Government	\$129,413,085	\$117,678,594	\$11,734,491
7 Counties	\$70,759,053	\$64,635,529	\$6,123,524
Los Alamos	\$50,020,145	\$36,369,147	\$13,650,998
Mora	\$16,442	\$99,977	(\$83,535)
Rio Arriba	\$5,090,255	\$7,697,067	(\$2,606,812)
Sandoval	\$1,519,041	\$3,365,098	(\$1,846,057)
San Miguel	\$545,572	\$615,326	(\$69,754)
Santa Fe	\$12,468,842	\$14,692,133	(\$2,223,290)
Taos	\$1,098,757	\$1,796,781	(\$698,024)

The Economic & Fiscal Impacts of LANL, August 2020, UNM Bureau of Business and Economic Research¹⁹

The Regional Coalition Is Dysfunctional

The Regional Coalition was mired in scandal for a number of years over improper spending, again with the NM State Auditor finding \$51,519.45 in improper spending over four years. It has had no executive director since August 2020 and according to a Request for Proposals any future executive director will be only half time. There are no publicly available written minutes for RCLC meetings between June 19, 2020 to January 2021. Given this and all of the issues above there appears to be little in the way of tangible benefits for local governments’ membership in the Regional Coalition (with the notable exception of Los Alamos County). To the extent that it stands in the way of comprehensive cleanup and tacitly supports expanded plutonium pit production, the Regional Coalition arguably acts against the best interests of local governments. Therefore, local governments would be best served by leaving the Regional Coalition of LANL Communities.

This fact sheet is available for download at <https://nukewatch.org/local-govts-should-leave-regional-coalition/>

¹⁵ LANL’s Hydrogeological Studies of the Parajito Plateau (1998-2004), p. 5-15, <https://digital.library.unt.edu/ark:/67531/metadc892635/>

¹⁶ In another dubious claim the RCLC claims that “The RCLC was the sole voice from NM to request that the Defense Nuclear Facilities Safety Board remain intact as a necessary oversight component of nuclear facility safety, security and maintenance, when threats to dissolve the organization were discovered.” First, the statement is inaccurate in that dissolution of the Safety Board was not threatened. Instead, it was a serious threat by DOE to restrict Safety Board access to DOE’s nuclear facilities which Nuclear Watch New Mexico and other New Mexico groups vigorously fought against.

¹⁷ See *Inequities Edited Out of Los Alamos National Lab Study*, June 26, 2020, http://www.riograndesun.com/news/inequities-edited-out-of-los-alamos-national-lab-study/article_ea042414-b7f8-11ea-ada6-a7134ccaff97.html

¹⁸ As always, the exception is Los Alamos County, already the fourth wealthiest county in the USA. See 2016 median household at <https://ibis.health.state.nm.us/indicator/view/NMPopDemoMedianInc.Cnty.html>

¹⁹ Slide 16, <https://regionalcoalitionnm.org/wp-content/uploads/2020/08/LANL-Economic-Impact-Presentation-081720.pdf>