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## **Top Environment Official Takes Inside Info to Nuclear Weapons Agency, Gets Puny Slap-on-Wrist for Ethical Violation; Governor Should Enforce State Code of Conduct**

*Santa Fe, NM* – The Department of Energy (DOE) will spend \$9.4 billion dollars in New Mexico during this fiscal year 2023, 10% more than the State’s entire operating budget of \$8.5 billion. To help enable its agenda of expanding nuclear weapons production that will cause more radioactive wastes and contamination, the DOE’s semi-autonomous National Nuclear Security Administration (NNSA) or its contractors often go head hunting for top State officials.

The New Mexico Environment Department (NMED) has sued DOE over the slow pace of cleanup at the Los Alamos National Laboratory (LANL). Stephanie Stringer, former Deputy Cabinet Director (the number two position at NMED), applied to work for NNSA in August 2022, and resigned to take that job in November. During that time, she was privy to NMED litigation strategy against DOE and chaired the New Mexico Water Quality Control Commission that denied a citizens’ motion against one of LANL’s most crucial facilities for expanding plutonium pit production, the Radioactive Liquid Waste Treatment Facility. As a result, the New Mexico Ethics commission fined Stringer a paltry \$250. Assuming that Stringer is earning at least \$100,000 base salary in her new position, that fine would have cost her approximately five hours of her time.

There is a long, ingrained history of senior NMED officials resigning to work for those they formerly regulated. Stringer’s earlier position of Resource Protection Division Director (#3 at NMED) is particularly critical because it oversees the two NMED bureaus most directly involved with DOE facilities in New Mexico, the Hazardous Waste Bureau and the DOE Oversight Bureau. However, all four former Resource Protection Division Directors have gone to work for either the nuclear weapons labs or DOE/NNSA. In addition to Stringer, they are:

- Chris Catechis, who was Acting Resource Protection Division Director after Stringer was promoted to NMED Deputy Secretary. He resigned to work at LANL in early December 2022. Prior to NMED he had worked at the Sandia National Laboratories for 22 years.<sup>1</sup>
- J.C. Borrego resigned as NMED Acting Deputy Secretary and Acting Resource Protection Division Director in the last months of the Martinez Administration to go to work for the Sandia National Laboratories.
- During the Martinez Administration, Kathryn Roberts resigned as Resource Protection Division Director to go to work for a DOE contractor. Prior to NMED she had worked at LANL for four years as Group Leader for Regulatory Support and Performance.

The NMED Deputy Directors and Resource Protection Division Directors serve at the pleasure of the Governor. Yet their actions clearly conflict with a “Code of Conduct” that Governor Michelle Lujan Grisham required for State employees. It decreed:

“You shall treat your government position as a public trust... only to advance the public interest and not to obtain personal benefits... Full disclosure of real or potential conflicts of interest shall be a guiding principle... You shall not engage in any other employment or activity that creates a conflict of interest... you shall disclose any anticipated outside employment before it begins... violating some provisions of this Code of Conduct may subject you to potential civil enforcement actions and criminal penalties under the law.”<sup>2</sup>

On February 3 the New Mexico State Ethics Commission announced that it had entered into a pre-litigation settlement with Stringer, contending that:

“...Stringer violated Section 10-16-4(C) of the GCA [Governmental Conduct Act] by acquiring a financial interest (negotiations for prospective employment) when she should have reasonably believed that her official acts as a commissioner and Chair of the WQCC [Water Quality Control Commission] would directly affect that interest. To settle this matter, and without admitting any liability or wrongdoing, Ms. Stringer agreed to pay a \$250 civil penalty. This amount is the maximum fine currently available under the Governmental Conduct Act for one violation of that act.”<sup>3</sup>

To illustrate how changing loyalties can compromise environmental protection in New Mexico, both Stringer and Catechis were centrally involved in recent and pending NMED decisions on:

- Granting “temporary authorization” to the Waste Isolation Pilot Plant (WIPP), the nation’s only designated permanent radioactive waste dump, to drill a new ventilation shaft for its expansion.
- Extending WIPP’s hazardous waste permit. The current permit expired in 2020 but has been administratively continued. More than half of WIPP’s future capacity will be reserved for plutonium wastes from expanded nuclear weapons production.
- Extending LANL’s hazardous waste permit, which also expired in 2020 and has been administratively continued. During the last three years NNSA has invested billions in LANL plutonium operations but there has been no opportunity for the public to engage in the renewal of the Lab’s hazardous waste permit.
- Allowing or not allowing LANL to intentionally release up to 100,000 curies of gaseous radioactive tritium into the air.
- Approving or not LANL’s request to “cap and cover” existing buried radioactive and toxic wastes, instead of comprehensive cleanup that would eliminate the threat to groundwater.
- NMED’s lawsuit against DOE to terminate the ineffective 2016 Consent Order governing cleanup at LANL.

As previously stated, NMED Deputy Secretary Stephanie Stringer also doubled as Chair of New Mexico’s Water Quality Control Commission (WQCC). In August 2022 she opposed a motion by the citizen groups Concerned Citizens for Nuclear Safety (CCNS) and Honor Our Pueblo Existence to reverse a State groundwater discharge permit. CCNS’ Joni Arends questioned Stringer’s decision, saying, “The important LANL Radioactive Liquid Waste Treatment Facility handles, treats and stores hazardous wastes, hence it is required to be regulated by the New Mexico Hazardous Waste Act. But under her leadership, the Water Quality Control Commission rejected our petition for review of the permit on jurisdictional grounds, while granting a stay of the proceedings as requested by NNSA. This is another example of DOE’s and NNSA’s blatant interference with the State’s regulation of hazardous wastes. There is no question that the RLWTF should be regulated under the Hazardous Waste Act. When NNSA saw that might happen, it simply hired away the regulator and thereby effectively shut down the public permitting process.”

Arends continued, “We learned that Stringer submitted her job application to NNSA on August 7, 2022, two days before a WQCC hearing that she presided over as Chair. On August 30, she signed the Commission’s order granting the NNSA’s motion to stay all proceedings on the RLWTF. The very next day NNSA offered Stringer a salaried position. On October 31, 2022, she resigned her position with NMED and reported for work with NNSA on November 6. At no time did Stringer disclose her new job before leaving NMED. Her conduct disqualified her from serving on the WQCC and is highly improper and in violation of the Governor’s “Code of Conduct – all to the detriment of the citizens and environment of New Mexico.”<sup>4</sup>

Here are some other past examples of NMED’s revolving door of regulators selling out to the regulated, to the detriment of New Mexico’s people and environment:

- Former Resource Protection Division Director Kathryn Roberts was NMED’s lead negotiator with Christine Gelles, then-manager of the DOE Environmental Management Los Alamos Field Office, for a revised 2016 Consent Order that weakened cleanup at LANL. Roberts resigned from NMED a half year after the revised Order went into effect, joining Gelles at Locknecker and Associates, a DOE cleanup contractor at the Lab.<sup>5</sup>
- Kathryn Robert’s immediate boss at the time, then-NMED Secretary Ryan Flynn, resigned to become executive director of the New Mexico Oil and Gas Association that lobbies against environmental regulations.
- In the 1990’s, after drafting state regulations governing the release of mixed radioactive and hazardous air emissions, NMED air quality specialist Bill Blankenship left to work at LANL, in part to enable a Clean Air Act permit for a major plutonium facility for nuclear weapons.
- Pete Maggiore, NMED Secretary July 1998 – August 2002, joined NNSA’s Los Alamos Field Office in 2011.
- Susan McMichael, NMED Office of General Counsel in the late 1990’s, resigned to become an attorney in LANL’s General Counsel Office.
- Kathryn Lynnes, Environmental Compliance Specialist, Hazardous Waste Bureau 2004 - 2006, subsequently worked for LANL and then for the Air Force on the Kirtland Air Force Base’s aviation fuel groundwater contamination, a very contentious issue for New Mexico.

Jay Coghlan, Nuclear Watch New Mexico Director, commented, “New Mexico needs to quit being a nuclear banana republic. We can’t have our top Environment Department officials selling out to the state’s largest polluters. I call upon the Governor to enforce the Code of Conduct that she stipulated, with far more severe penalties than the ridiculously low 250 dollars. Moreover, state legislators should pass a law that the regulators can’t go to work for the regulated for at least two years after leaving their positions with the New Mexico Environment Department.”

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This press release is available at <https://nukewatch.org/nmed-slap-on-wrist-pr/>

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<sup>1</sup> See <https://www.linkedin.com/in/chris-catechis-ma-b76b1a8/>

<sup>2</sup> *Code of Conduct*, New Mexico Governor Michelle Lujan Grisham, July 2019, [https://www.spo.state.nm.us/wp-content/uploads/2021/02/Code\\_of\\_Conduct.7.2.19\\_1.pdf](https://www.spo.state.nm.us/wp-content/uploads/2021/02/Code_of_Conduct.7.2.19_1.pdf)

<sup>3</sup> The New Mexico State Ethics Commission’s February 3 press release *SEC Settles with Ms. Stephanie Stringer for Governmental Conduct Act Violation* is available at <https://www.sec.nm.gov/2023/02/03/press-release-sec-settles-with-ms-stephanie-stringer-for-governmental-conduct-act-violation/> Parentheses in the original.

<sup>4</sup> See *WQCC 22-21: Concerned Citizens for Nuclear Safety and Honor Our Pueblo Existence’s Petition for Review of NMED Ground Water Discharge Permit DP-1132* at <https://www.env.nm.gov/opf/docketed-matters/>

<sup>5</sup> A Longenecker resume’ noted that Gelles “Led planning and initial regulatory interactions with New Mexico Environment Department negotiation of Los Alamos Consent Order.” <http://longenecker-associates.com/leadership/> This URL was working in 2016, but apparently Longnecker has disabled it. It now says “An error occurred during a connection to longenecker-associates.com. Peer reports it experienced an internal error.”