



For immediate release July 19, 2016

Contact: Scott Kovac, 505.989.7342, [scott\[at\]nukewatch.org](mailto:scott[at]nukewatch.org)

Nuclear Watch NM Amends LANL Cleanup Lawsuit - Claims New Consent Order To Be Invalid

Santa Fe, NM – Nuclear Watch New Mexico has amended its federal lawsuit against the Department of Energy (DOE) and Los Alamos National Security, LLC (LANS) that alleges twelve violations of a 2005 Consent Order governing cleanup at the Los Alamos National Laboratory (LANL). Those violations could result in potential penalties of more than \$300 million dollars that would go to the state, if only the New Mexico Environment Department (NMED) were to enforce them.

Nuclear Watch now asks the court to declare the new 2016 Consent Order to be invalid because the requirement for the opportunity of a public hearing was not met.

NMED intervened in the case on June 23, 2016. The next day, NMED and DOE signed the 2016 Consent Order after a 60-day comment period, during which over 40 citizens, nonprofit organizations, public officials, and two Pueblos provided comments. Lack of enforceability and lack of concrete long-term schedules were common major foci of the comments. Despite that, “No change” without any further explanation was NMED’s overwhelming response to specific public comments as the two agencies moved from the draft to final Consent Order.

The finalized new Consent Order surrenders enforceability by creating a giant loophole where DOE and LANL can avoid cleanup by claiming that it is either too expensive or impractical. This is clearly the opposite of what is needed, when nuclear weapons research and production programs that caused the mess to begin with are receiving increased taxpayer funding, while cleanup programs are being cut.

In addition, NMED’s new Consent Order explicitly absolves DOE and LANS of past violations. In response, Nuclear Watch has added to its lawsuit this request for declaratory judgment by the court that DOE and NMED violated the public’s right for the opportunity of a formal hearing, explicitly required by the 2005 Consent Order.

Scott Kovac, NukeWatch Research Director, noted, “We will not let the public’s right for cleanup at the Los Alamos Lab be papered over by DOE and NMED. Both agencies agreed to all parts of the 2005 Consent Order, which included rigorous public participation requirements and a detailed cleanup schedule, including a final compliance date. We will continue to push for the public to have a true voice in these important matters.”

The New Mexico Environmental Law Center and Attorney John E. Stroud are representing NukeWatch in this legal action to enforce timely cleanup at LANL.

###

Nuclear Watch New Mexico's 1st amended complaint is available at
<http://nukewatch.org/importantdocs/resources/NukeWatch-First-Amended-Complaint-as-filed-20160719.pdf>

NMED's Final Consent Order and the "response" to comments matrix is available at
<https://www.env.nm.gov/HWB/lanlperm.html>

Nuclear Watch New Mexico's original lawsuit complaint is available at
<http://nukewatch.org/importantdocs/resources/NukeWatch-Complaint-Filed-20160512.pdf>

Our May 5, 2016 second notice of intent to sue (which is a good summary of our complaint) is available at
<http://nukewatch.org/importantdocs/resources/NukeWatch-2nd-NOI-DOE-LANS-5-5-16.pdf>

Our January 20, 2016 notice of intent to sue is available at
<http://nukewatch.org/importantdocs/resources/NukeWatch-NM-NOI-to-DOE-and-LANS-20160120.pdf>