

SANTA FE COUNTY

Resolution No. 2004 - 03

A Resolution Supporting the release of funds for clean up of waste at Los Alamos National Laboratory

WHEREAS, the Department of Energy (DOE) and the State Environment Department (NMED) are engaged in a year long dispute over a cleanup order issued in November 2002 in which NMED claimed that waste at the Los Alamos National Laboratory poses an "imminent and substantial endangerment to human health and the environment";

WHEREAS, NMED's order provided a cleanup schedule and targeted hazardous and mixed wastes, including some radioactive materials;

WHEREAS, at least \$59 million in federal funds targeted for clean up at the Laboratory have been withheld as negotiations between the State and Department of Energy continue without resolution;

WHEREAS, last year the DOE withheld about \$29 million in cleanup funds targeted for Los Alamos National Laboratory because of lack of a regulatory agreement concerning buried legacy wastes and this year Congress has ordered cleanup funds withheld again due to a continued lack of agreement between Department of Energy and the NMED;

WHEREAS, requests have been made to reinstate federal funding to previous levels and funding has now dipped to below \$30 million a year from about \$50 million to \$60 million a year, and lack of funding has hindered many clean up projects;

WHEREAS, language in the Energy and Water Development Appropriations Act conference report states that funds for accelerated cleanup activities at Los Alamos are contingent on resolution of the dispute between DOE and NMED;

WHEREAS, it appears to the Board of County Commissioners from the foregoing that remediation at the Laboratory is needed to protect the public health, safety

and welfare of persons living and working at the Laboratory and Santa Fe County citizens;

WHEREAS, it also appears that all parties to this dispute, including NMED, DOE and Los Alamos National Laboratory agree that remediation is needed, but disagree as to its extent and nature;

WHEREAS, the Board of County Commissioners wishes to take no position on the competing proposals of NMED and DOE or the various administrative proceedings that arise or may arise from the controversy, but wishes to strongly express its concern that the situation described above has had the unfortunate result of halting efforts to put dollars (that everyone agrees are needed) to work, deferring important efforts to ensure that the public's health, safety and welfare is protected; and

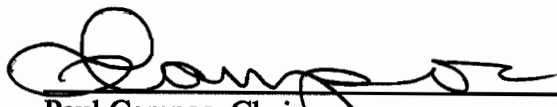
WHEREAS, the Board of County Commissioners wishes to encourage the parties to seek common ground and focus on the public health rather than rigidly adhere to their respective positions so that clean up efforts can go forward.

NOW, THEREFORE, BE IT RESOLVED, THAT THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY RESOLVES, AS FOLLOWS:

1. Public, health and safety should not be subordinated to the ongoing controversy between NMED, DOE and Los Alamos National Laboratory.
2. The Board strongly urges NMED, DOE and Los Alamos National Laboratory to find common ground whereby clean up efforts at Los Alamos National Laboratory may continue while the details of the final clean up plan are resolved.
3. The Board urges that the ongoing controversy over permitting not effect continuing efforts to fund needed clean up at the Laboratory.

PASSED, APPROVED and ADOPTED this 13 DAY OF JANUARY, 2004.

BOARD OF COUNTY COMMISSIONERS


Paul Campos, Chairman

ATTEST:

Rebecca Bustamante
Rebecca Bustamante, Santa Fe County Clerk

Approved As To Form:

Stephen C. Ross 1-6-04
Stephen C. Ross, Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of January, A D . 2004 at 13 01
And Was Duly Recorded as Instrument # 1309703
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy Marcella McGeer Rebecca Bustamante
County Clerk, Santa Fe, NM