Docusign Envelope ID: 2348218F-601F-8E70-83B3-A6C2E04C79C6

Office of the Secretary
RECEIVED
November 13, 2026
Pamela Jones

**STATE OF NEW MEXICO**
**DEPARTMENT OF ENVIRONMENT**

**NEW MEXICO ENVIRONMENT DEPARTMENT**
**COMPLIANCE AND ENFORCEMENT DIVISION,**
**Complainant,**

**v.** **No. HWB 25-51**

**U.S. DEPARTMENT OF ENERGY AND**
**SALADO ISOLATION MINING CONTRACTORS, LLC**
**EPA ID# NM4890139088,**
**Respondents.**

## FINAL ORDER

This matter comes before the Deputy Secretary as Secretary-Designee following the issuance of an Administrative Compliance Order by the Resource Protection and Enforcement and Compliance Bureau and a timely request for hearing by the U.S. Department of Energy and Salado Isolation Mining Contractors, co-permittees of the Waste Isolation Pilot Plant in Carlsbad, New Mexico (Respondents). The matter was heard by a Hearing Officer on June 2 and 3, 2026 in Santa Fe, New Mexico.

Having considered the administrative record in its entirety, including the post-hearing submittals, the Hearing Officer Report, and both party's comments on the Report, and being otherwise fully advised regarding this matter, the Deputy Secretary accepts the Report and adopts the proposed findings and conclusions, with the exception of proposed finding #21 and proposed conclusion #11, for the reason offered by the Bureau in their November 6 comment on the Report.

Docusign Envelope ID: 2348218F-601F-8E70-83B3-A6C2E04C79C6

Further:

1. the deadline for the Hearing Officer Report was extended to October 30, 2026;

2. administrative notice is taken of the Hazardous Waste Bureau's Enforcement Response Protocol, dated March 2017;

3. the Hearing Officer correctly decided the Motion to Compel and the Motion in Limine; and

4. Respondents' Motion to Dismiss and, in the Alternative, for Summary Judgment, is denied.

The ACO is hereby set aside.

Signed by:
John Rhoderick
AAE252B561DC4DE...
John Rhoderick, Deputy Cabinet Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of November 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

Myles Hall
Legal Counsel
Department of Energy,
Carlsbad Field Office
4021 National Parks Highway
Carlsbad, NM 88220
myles.hall@cbfo.doe.gov
*Counsel for US DOE*

Jennifer L. Hower
General Counsel
Morgan D. Greer
Legal Counsel
Salado Isolation Mining Contactors, LLC
4021 National Parks Highway
Carlsbad, NM 88220
jennifer.hower@wipp.doe.gov
morgan.greer@wipp.doe.gov
*Counsel for SIMCO, LLC*

Michael L. Woodward
*Pro Hac Vice ID No. 140982*
Hance Scarborough, LLP
203 W. 10th Street, Ste. 600
Austin, TX 78701
mwoodward@hslawmail.com
*Counsel for SIMCO, LLC*

Andrew P. Knight
Assistant General Counsel
Christal A. Weatherly
Assistant General Counsel
New Mexico Environment Department
Office of General Counsel
P.O. Box 5469
Santa Fe, NM 87502-5469
andrew.knight@env.nm.gov
christal.weatherly@env.nm.gov
*Counsel for NMED*

Felicia L. Orth
felicia.l.orth@gmail.com
*Hearing Officer*

By: */s/ Pam Jones for*
Luis Lopez, Hearing Clerk
Office of Public Facilitation
New Mexico Environment Department
Direct: 505-490-0186
luis.lopez@env.nm.gov