

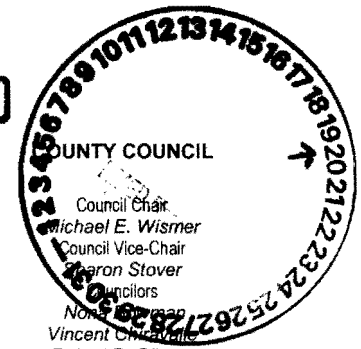
Permit

ENTERED



# LOS ALAMOS COUNTY

P.O. Box 30 - 133 Central Park Square - Los Alamos, NM 87544  
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Website: [www.losalamosnm.us](http://www.losalamosnm.us)



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COUNTY ADMINISTRATOR  
Anthony J. Mortillaro

April 15, 2010

Secretary Ron Curry  
New Mexico Environment Department  
2905 Rodeo Drive East, Building 1  
Santa Fe, New Mexico 87505-6303

Re: The Incorporated County of Los Alamos is not opposed to NMED granting LANL an open burn permit on LANL Property as long as there is no transportation of explosive waste from LANL on local roads.

Dear Secretary Curry:

The Los Alamos National Laboratory ("LANL") is seeking an open burn permit to continue to allow for the open burning of various products generated at LANL, including live ordnance that has been fired but which did not detonate upon impact. The Incorporated County of Los Alamos ("County") does not oppose the LANL Open Burning Permit at Technical Area-16 based upon the information provided to the County from LANL and the New Mexico Environment Department ("NMED"). However, the County does not support any plan that would result in unexploded ordnance being transported onto local roads.

According to the February 2, 2010 notice of intent to deny the requested open burning permit, at TA-16 to LANL the NMED opined that open burning posed a risk of generating furans and dioxins. According to this notice, the results of the human health risk assessment demonstrated that additional analysis is not required and evaluation of soil data indicates that there are no adverse impacts from exposure to either residential or industrial receptors. The notice also indicates that air modeling demonstrates that risk above target levels to human receptors is not likely. The basis for permit denial appears to be focused on two factors: public opposition and the uncertainty of ecological risk to the deer mouse.

The County is not part of the public opposition to open burning. However, the County is opposed to one of the alternatives set forth in the NMED notice of intent to deny – transporting the unexploded ordnance for disposal.

The County does not support any plan that would result in unexploded ordnance, some containing High Explosives, being transported beyond the boundaries of LANL onto County and State roads. Shipping the applicable waste off-site is not a viable alternative to open burning due to the inherent human health and safety risks associated with such shipments. Such ordnance has the potential of being unstable and its transport on public roads introduces an unnecessary and unacceptable hazard into the community.

NMED identifies in its letter that the ecological risk of furans and dioxin is characterized as low to moderate, with only a slightly elevated hazard to the deer mouse (which is neither an



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endangered or threatened species) and is in fact a rodent that is regularly used for laboratory tests. Further, the proposed permit denial does not address the risk to human health posed by the deer mouse. The deer mouse has been identified as a carrier of Hantavirus, a deadly virus which is present in Los Alamos County.

See: <http://www.cdc.gov/ncidod/diseases/hanta/hps/noframes/phys/virology.htm> and [http://www.bernco.gov/upload/images/eh\\_1st-Hanyta2005.pdf](http://www.bernco.gov/upload/images/eh_1st-Hanyta2005.pdf).

Under these circumstances, it would be appropriate to consider the risk of the deer mouse to human health compared to the risk of transporting unexploded ordnance through the community. Comparing the relatively low risk (which seems to be currently unknown) to the deer mouse from on site open burning, with the risk to humans associated with transporting live, potentially unstable ordnance outside of the Laboratory, on site disposal appears to be appropriate. Further, such a balance of risk considerations would be expected to alter at least some of the opposition to the permit that influenced NMED's position.

Please feel free to contact me with any questions at 505-663-1750.

Sincerely,



Anthony J. Mortillaro

AJM:lab

cc: Counsel Chair Michael Wismer  
Mary McInerny, County Attorney

**INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 10-14**

**A RESOLUTION SUPPORTING THE OPEN BURNING OF HIGH EXPLOSIVE HAZARDOUS WASTE ON-SITE ON LOS ALAMOS NATIONAL LABORATORY PROPERTY AS A MUCH LOWER-RISK ALTERNATIVE TO TRANSPORTING SUCH MATERIALS ON PUBLIC ROADS**

**WHEREAS**, Los Alamos National Laboratory (“LANL”) is seeking an open burn permit to continue to allow for the open burning of various products generated on LANL property (“LANL Property”); and

**WHEREAS**, high explosive hazardous waste is a necessary by-product of research and training supporting American armed forces, reducing nuclear proliferation threats, and eliminating legacy structures at LANL; and

**WHEREAS**, on February 2, 2010, the New Mexico Environment Department (“NMED”) denied LANL’s request for open burning on LANL Property; and

**WHEREAS**, NMED’s basis for its February 2, 2010 denial appeared to be focused on public opposition and the uncertainty of ecological risk to the deer mouse and earthworms; and

**WHEREAS**, NMED stated in its denial letter that there are no adverse impacts from exposure to either residential or industrial receptors, and a human health risk assessment demonstrated that additional analysis is not required; and

**WHEREAS**, NMED characterized the release of furans and dioxins during the open burning to be low to moderate, with only a slightly elevated hazard to earthworms and the deer mouse (which is neither an endangered nor threatened species and has been identified as a carrier of hantavirus, a deadly virus); and

**WHEREAS**, NMED identified alternatives to open burning, which included transporting the high explosive hazardous waste materials off-site for disposal; and

**WHEREAS**, there are inherent human health and safety risks associated with transporting high explosive hazardous waste materials off-site;

**WHEREAS**, the transportation of high explosive hazardous waste materials on local roads within Los Alamos County introduces an unnecessary and unacceptable hazard into the community.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Incorporated County of Los Alamos that in comparing the relatively low potential risk to the deer mouse and earthworms from on-site open burning, with the safety risk to humans associated with transporting high explosive hazardous waste materials outside of LANL, NMED should not require the shipment by LANL of such high explosive hazardous waste off-site.

**BE IT FURTHER RESOLVED** that Los Alamos County supports open burning of high explosive hazardous waste materials on-site on LANL Property as a much lower-risk alternative to transporting such materials on public roads both within Los Alamos County and elsewhere.

**BE IT FURTHER RESOLVED** that NMED should issue such permit to LANL in a timely manner.

**PASSED AND ADOPTED** this 13th day of April, 2010.

**COUNCIL OF THE INCORPORATED  
COUNTY OF LOS ALAMOS**

*Michael E. Wismer*

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Michael E. Wismer  
Council Chair

**ATTEST:**

*Janet Foster*

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Janet Foster  
Los Alamos County Clerk

