

Kieling, John, NMENV

From: Scott Kovac [scott@nukewatch.org]
Sent: Friday, September 04, 2009 2:36 PM
To: Kieling, John, NMENV
Cc: Jay Coghlan
Subject: NWNM comments on the July 6 2009 LANL Permit

Attachments: NWNM comments to revised draft Permit July 6 09.pdf



NWNM comments to
revised draft...

Mr. Kieling,

How the heck is it going? Well, I hope.

Attached are some comments. Please let me know that you got them and that they are readable. Then, don't read them today. Go have a weekend.

But first, I have a protocol question. Do I send these comments out to the whole RCRA negotiation list?

Thanks,
Scott

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Scott Kovac  
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September 4, 2009

John E. Kieling, Program Manager  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6303

By e-mail to: john.kieling@state.nm.us

Re: Comments on the Los Alamos National Laboratory Hazardous Waste Permit  
(DRAFT) July 6, 2009

Facility: Los Alamos National Laboratory (LANL)  
Facility Owner and Co-Operator: U.S. Department of Energy (DOE)  
Facility Co-Operator: Los Alamos National Security, LLC (LANS)  
EPA ID No.: NM0899910515

Dear Mr. Kieling:

Nuclear Watch New Mexico respectfully submits these comments on the July 2009 draft Hazardous Waste Facility Permit ("Permit") for the Los Alamos National Laboratory. Thank you for considering them. Any quotes herein from the draft Permit are italicized.

### **General Comments**

#### **Request for a Public Hearing**

Nuclear Watch New Mexico opposes the draft Permit as currently formulated for the reasons described in these comments (but not necessarily limited to just these comments). Nuclear Watch requests a public hearing on the July 6, 2009 draft LANL RCRA permit.

### **Specific sections and parts with which we have comments**

#### **1.10 Information Repository**

We request that there should be both an electronic and a physical information repository.

Nuclear Watch New Mexico  
551 W. Cordova Rd. #808, Santa Fe, NM, 87505  
505.989.7342 \* September 4, 2009

## **1.16 Transfer Of Land Ownership**

### **1.16.2 Restricted Use**

We request that residential cleanup standards must be met for any land to be transferred and that deed restrictions should not be allowed.

### **2.4.6 Thermal Treatment**

We request that waste streams that have not been previously treated in the thermal process (open burning) shall not be allowed to be burned openly under this permit.

## **Part 6: Treatment By Open Burning**

### **6.1.1.1 General**

*(1) Vegetation within a 200 ft radius of the Flash Pad and the Burn Tray shall be trimmed to less than or equal to six inches above the ground surface, before treatment.*

We request that an effort be made to keep as many of the large pine trees as possible within the 200 ft radius.

## **6.4 ALTERNATIVE ASSESSMENT**

*The Permittees shall submit an open burn alternative treatment assessment report to the Department no later than the 8th anniversary of the effective date of this Permit.*

We request that the Permittees submit an open burn alternative treatment assessment report to the Department no later than the 2nd anniversary of the effective date of this Permit and implement an open burn alternative treatment no later than the 4th anniversary.

## **9.2 Closure Performance Standards**

If Permittees are unable to achieve any of the Clean Closure standards, we request early and often public participation under the expanded RCRA standard for timely, meaningful public participation.

## **11.4 Cleanup Levels**

Our position is that a human health target risk level of  $10^{-6}$  should be used.

### **11.4.2.1 Soil Cleanup Levels**

Our position is that a human health target risk level of  $10^{-6}$  should be used.

## **Attachment A Technical Area (Ta)-Unit Descriptions**

We request that Building 185, Technical Area 55, not be allowed to be permitted due to unresolved seismic inconsistencies.

For instance, *Evaluation of potential seismic hazards from Holocene-age surface-rupturing faults at Building 185, Technical Area 55, Los Alamos National Laboratory (LA-DR 09-04042)* states,

*It is believed that the lineaments identified in aerial photographs near TA-55 reflect eroded fracture zones propagating upward from the subsurface trace of the Rendija Canyon fault. (Pg.56), yet Gardner et al. (1999) tells us,*

*This study found that the Rendija Canyon fault, which is a single, simple down-to-the-west structure north of the Los Alamos townsite, splays to the southwest in a broad zone of deformation south of Los Alamos Canyon, through the Los Alamos County Landfill and TA-3, and likely dies out just south of Twomile Canyon. (Pg.53)*

If the Rendija Canyon fault dies out just south of Two-mile Canyon, which would be ~3000

ft to the west of TA-55, how can it have also propagated fracture zones near TA-55?

**Attachment J Hazardous Waste Management Units**

We request that Building 185, Technical Area 55, not be allowed to be permitted due to unresolved seismic inconsistencies.

Please include all of the references listed in the Permittee's seismic report (LA-DR 09-04042) in the administrative record.

**Attachment G Closure Plans**

**Table G.X-2 Potential Waste Materials, Waste Types, and Disposal Options**

Table 2 of each of the closure plans lists Area G as a potential disposal option. Because the final corrective measure remedy as a result of the Consent Order for Area G has not been decided, new wastes should not be added to this landfill.

The Closure Plans for several of the TA-54 units state,  
*The asphalt pad, and all the materials associated with the pad (e.g., concrete ringwall, sump, minimum of six inches of the base course and soil underlying the pad), will be removed after the assessment. If, after the removal of the pad (and underlying soil and base course material), the remaining surface shows evidence that the removal to that point has not gathered all appropriate soils and materials associated with the pad (e.g., additional concrete or base course materials), additional soil and materials will be removed. The Permittees shall take precautions to not remove or disturb the soil or tuff that overlies the regulated unit (covered under the March 1, 2005 Compliance Order on Consent (Order) (see Permit Section 9.3)) beneath the permitted unit.*

Closure here is focused on removing soils and materials associated with the pad, and seems to not necessarily be focused on removing contaminated soils. Please explain the phrase, "shall take precautions to not remove or disturb the soil or tuff that overlies the regulated unit." We request that contaminated soil be removed to within 6" of the top of the regulated unit or to a minimum of 6" below the materials associated with the pad, whichever one is deeper.

Respectfully,

Scott Kovac  
Nuclear Watch New Mexico  
September 4, 2009