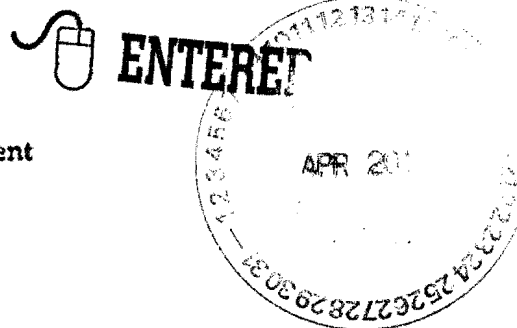


Date: April 11, 2010



John E. Kieling, Program Manager
Hazardous Waste Bureau - New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
E-mail: john.kieling@state.nm.us

Dear Mr. Kieling:

I make the following public comments about the February 2, 2010 revised draft Hazardous Waste Permit for Los Alamos National Laboratory (LANL), which will allow the Department of Energy (DOE) and LANL to handle ¼ million pounds of hazardous waste each year during the 10-year permit.

1. I support the NMED denial of LANL's permit applications for the open air burning of hazardous waste. LANL has been on notice for more than five years that the public does not want them to use our air for disposal of hazardous waste. If DOE/LANL needs to continue open burning activities, there are alternatives, including confined burn facilities.

I support NMED requiring DOE/LANL to install a confined burn facility as an alternative to open burning.

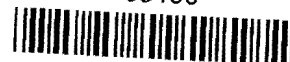
2. Public Participation Must Be Early, Often, Meaningful and Continuous. The Environmental Protection Agency (EPA) issued enhanced public participation requirements for early, often, meaningful and continuous contact with the public about the cleanup of the LANL dump sites. The 25 dumps contain "legacy waste," which are dangerous mixtures of wastes contaminated with chemicals and radiation. NMED, DOE and LANL have been lax in fulfilling the public participation requirements, such as holding public meetings, providing documents, and informing the public of opportunities for input into decision-making.

Further, NMED and DOE/LANL must provide enhanced participation requirements for early, often, continuous and meaningful contact with the public about both the Compliance Order on Consent and the Final LANL Permit.

3. DOE/LANL is required to establish an Information Repository where permit documents are readily available to the public. EPA supports the physical Information Repository.

As an act of Restorative Justice and in order to meet the needs of both urban and rural communities and future generations, NMED must require DOE/LANL to establish both a physical Information Repository in the Española Valley, as well as a virtual (electronic) Information Repository.

4. "Alternative Requirements" Do Not Protect Groundwater. It's time to get back to a basic groundwater monitoring and response program at LANL. Many reports over the past five years have described the overall failure of DOE/LANL to protect our regional aquifer from LANL pollutants. James Bearzi, Chief of the NMED Hazardous Waste Bureau, stated in testimony that, "groundwater contamination has already been detected beneath the regulated units [Areas G, H, and L] at TA-54."



The EPA, the DOE Inspector General and the National Academy of Sciences (NAS) have each written detailed reports that describe the major problems in groundwater protection practices and lack of compliance with the regulations. The findings and recommendations have been ignored by DOE/LANL and NMED.

It's time to return to the basics. NMED and DOE/LANL must establish a groundwater monitoring and response program under 40 CFR 264, Sections 91 through 100.

5. **Emergency Management, Planning, Preparedness and Response.** Over the past 10 years, serious deficiencies in the DOE/LANL Emergency Management and Response Division have been found by several government auditing agencies, including the DOE Inspector General, the Government Accountability Office and the Defense Nuclear Facility Safety Board. The reports described serious problems with LANL fire protection *before* the Cerro Grande Fire of 2000. The new reports describe the ongoing failure to provide fire protection.

I object to NMED allowing DOE/LANL to continue to manage hazardous waste without meeting the emergency management, planning, preparedness and response requirements. NMED must conduct a full investigation into the recommendations of the expert reports and require their implementation before the permit is finalized.

6. **Seismic Hazard on the Seismically Active Volcanic Pajarito Plateau.** A 2007 report described a 50% increase in the seismic hazard at LANL. It also identified many deficiencies in the knowledge of the seismic hazard and made recommendations for further field studies. It also identified the failure of DOE/LANL to install and operate a reliable network of seismic instruments (seismometers) to accurately monitor the seismic hazard from ground motions. The current network consists of only seismometers at three locations that are not kept in calibration.

I object to NMED allowing DOE/LANL to continue to manage hazardous waste without the necessary field studies of the seismic hazard and without a reliable network of seismometers. NMED must conduct a full investigation into the recommendations from these seismic reviews before the permit is finalized for the hazardous waste management units.

7. **Financial Assurance Requirements.** DOE/LANL and its contractor do not want to provide the financial documents to ensure that funding is available to cleanup the contaminated facilities at LANL when they are done using them.

I support NMED requirements in the revised draft permit that DOE/LANL must meet all of the financial assurance requirements for each of the 24 hazardous waste management units.

7. Additional Comments.

Thank you!

Sincerely,

Name:

Jill Cowley Jill Cowley

Address:

10 Fortuna Rd, Santa Fe, NM 87508

Email:

~~Jill.Cowley@nps.gov~~ Desertdancer43@gmail.com