

Permit

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concerned citizens for nuclear safety

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The New Mexico Environment Department (NMED) is holding a public hearing about the ten-year draft hazardous waste permit for Los Alamos National Laboratory (LANL) beginning Monday, April 5, 2010 at the Santa Fe Community College

It is the first time in over 21 years that the public has the opportunity to provide formal public comments about the NMED hazardous waste permit for LANL. The hearing may last two or more weeks. A schedule may be found at the end of this fact sheet. The issues include:

- \* The permit allows the Department of Energy (DOE) and LANL to handle 1/4 million pounds of hazardous waste each year during the 10-year permit.
- \* NMED denial of LANL's permit application for open air burning of hazardous waste. LANL has been on notice for more than 21 years that the public does not want them to use our air for disposal of hazardous waste. If DOE/LANL needs to continue to burn hazardous waste, there are alternatives, including confined burn facilities that are designed to capture the emissions. Any permit for confined burned facilities must include limits on the amount and types of waste to be burned, as well as the frequency.

\* The need for more public participation in cleanup decision-making at LANL. The Environmental Protection Agency (EPA) requires early, often, meaningful, and continuous public participation involving cleanup of the 25 dumpsites at LANL. 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 regular public meetings, providing documents, and informing the public of opportunities for input into decision-making processes.

The final permit must include prescriptive requirements for NMED and DOE/LANL to provide enhanced participation as required by EPA for early, often, continuous, and meaningful contact with the public about both the Compliance Order on Consent (Consent Order) and the final LANL Permit.

\* The need for a physical Information Repository in the Española Valley. DOE/LANL is required to establish an Information Repository where permit documents are readily available to the public. NMED is only requiring LANL to create a virtual (electronic) repository. Previous drafts of the permit required both a virtual and physical repository. EPA supports a physical Information Repository.

The vision for the Information Repository is that it will be a place for individual, student and community learning and research about the ten-year permit for continued hazardous waste operations at LANL; the permitting process, how to get involved, and how to make informed public comments.

*From Michael Truax collins  
April 9, 2010  
Retired state employee  
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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) version *before* the permit is finalized.

\* **A closer look at the problems with emergency management, planning, preparedness and response at LANL.** 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.

NMED must conduct a full investigation into the recommendations of the expert reports and require their implementation *before* the permit is finalized.

\* **A closer look at the seismic hazard on the seismically active volcanic Pajarito Plateau, where LANL is located.** A 2007 report described a 50% increase in the seismic hazard at LANL. It 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 uncalibrated seismometers at three locations. More seismometers are needed.

NMED must conduct a full investigation into the recommendations of these seismic reviews *before* the permit is finalized.

\* **A closer look at the lack of groundwater protection at LANL.** For example, the draft permit does not include a point of compliance for monitoring for groundwater contamination. The hazardous waste regulations require that the permit state where the point of compliance is located, which must be close and down gradient to the waste dumps. The draft permit allows large plumes of contamination to migrate for miles below the LANL site to the boundary of the 40-square mile site or a drinking water well.

The omission of stating the location of the point of compliance must be corrected *before* the permit is finalized.

\* **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.** NMED has included 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.