

Kieling, John, NMENV



**From:** Pat Kelley [pat.kelley@comcast.net]  
**Sent:** Sunday, March 21, 2010 11:46 AM  
**To:** Kieling, John, NMENV  
**Subject:** LANL's RCRA permit

Mr. John E. Kieling

New Mexico Environmental Department

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1

Santa Fe, NM 87505

Dear Mr. Kieling:

It has come to my attention that the New Mexico Environmental Dept. (NMED) has denied a portion of the Resource Conservation and Recovery Act (RCRA) permit for Los Alamos National Laboratory (LANL). The denied portion is associated with 'open burns' of waste material associated with research and development (R&D) aimed at defeating improvised explosive devices (IEDs), explosive detection, and methods to defeat mines. Burning of these conventional materials has been deemed safer than clean-up and transport to a waste repository. Publicly available data collected over the years indicates that this burning activity poses minimum if any human health threat. This activity has been previously permitted by NMED and has been going on for years but now NMED wishes to withdraw this permit. If the permit is withdrawn, the R&D will have to be stopped.

A few years ago, the party then in power experienced scathing rebukes in the press for having sent our troops into harms way without the best equipment possible (though it initially was not available) to protect them from IEDs. Now NMED is considering shutting down R&D that will ultimately protect our troops – who are our children and our neighbors' children – from these insidious devices. Our enemies recognize the psychological and physical effectiveness of IEDs. It was just reported that Iran is training the Afghan Taliban in the use of roadside bombs against our military – particularly sequenced IEDs [1]. Initially a single device detonates and after a short period of time a second one detonates to kill and maim the rescuers. As a veteran, I find it grossly irresponsible that NMED would consider jeopardizing this important work, particularly when the work is undertaken with minimal risk to the public.

Now consider the impact on New Mexico. LANL is the economic powerhouse of Northern New Mexico. There is no other significant industry in that portion of our state. In addition to employing 9,000 people, a large percentage of the lab's procurements are placed locally. The trickle-down effect is immense. Also, with the decision to give the LANL contract to a Limited Liability Corp., around \$60 million of gross receipts taxes flow into county and state coffers. We are in a recession! If NMED doesn't recognize the importance of this work, the Dept. of Energy (DOE) does. Deny the permit and DOE will move the activity to another state. This means lost jobs for our citizens in Northern New Mexico. Additionally, if one looks at the recent activities of the NMED and its associate, the Environmental Improvement Board, one sees the implementation of the most draconian pit rules in the nation, one sees attempts to put into place egregious carbon-emission regulations, despite recent revelations of a conspiracy of deception by environmental scientists [2,3,4,5], etc. Ultimately, in New Mexico one sees nothing but a hostile attitude towards any business except that relating to the service industry. Does the NMED want the people of New Mexico to be subservient to everyone else? A wise manager at DOE will eventually see the handwriting on the wall and start to look at what else might be targeted by NMED and give serious thought to moving those activities to other states. I know that I would. This means lost jobs and revenue for New Mexico!

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It can't happen in New Mexico? Let's look at some consequences of over-regulation. Why are so many men out of work today (check the recently issued Dept. of Labor statistics)? Why do we produce 50% of our electricity with coal? It is because of over-regulation! A vast number of men were employed by heavy industry. Environmental over-regulation and a not in my back yard attitude drove the cost of doing business up so much that the industries were moved overseas or just shut down, resulting in an horrendous loss of jobs. Just look at Detroit and the remainder of the rust belt today! With respect to Nuclear Power, over-regulation drove the cost of building a nuclear power plant up 400% and the cost of operations and maintenance up 80% [6, 7]. No nuclear plant, a plant that produces minimal if any carbon emissions, has been completed since the early '80s because of this cost impact. Instead, coal plants – carbon emitters that so concerns the NMED and the EIB - were built, which contribute significantly to the global-warming crisis (if it is a crisis and not a fraud). These are the consequences of environmental over-regulation and zealotry. It can happen here!

Summarizing, the NMED proposal to withdraw LANL's RCRA permit pertaining to open burns

- Will not lead to any significant reduction of risk to human health, one of RCRA's stated goals
- Will inhibit our nation from introducing countermeasures to the tactics advanced by our enemies, thus putting our troops in more danger than necessary
- Will lead to a loss of jobs and revenue in Northern New Mexico.

While fact-base regulation may be reasonable, over-regulation with little real evidence is not only grossly irresponsible, it is criminal. Issue the RCRA permit to allow responsible open burns at LANL!

J. Patrick Kelley

Santa Fe

## References

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2. *Hackers steal electronic data from top climate research center*, Juliet Eilperin, Washington Post Staff Writer, Saturday, November 21, 2009
3. <http://icecap.us/images/uploads/NOAAroleinclimategate.pdf>
4. <http://www.telegraph.co.uk/earth/environment/climatechange/7111525/UN-climate-change-panel-based-claims-on-student-dissertation-and-magazine-article.html>
5. <http://www.timesonline.co.uk/tol/news/environment/article7009081.ece>
6. Bernard L. Cohen, *The Nuclear Energy Option* (New York: Plenum Press, 1990), Chap. 9, at [www.phyast.pitt.edu/~blc/book/chapter9.html](http://www.phyast.pitt.edu/~blc/book/chapter9.html) (October 10, 2007).
7. Magali Delmas and Bruce Heiman, "Government Credible Commitment to the French and American Nuclear Power Industries," *Journal of Policy Analysis and Management*, Vol. 20, No. 3 (Summer 2001), p. 447.