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Dear Mr. Kieling:

I make the following public comments about the 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. STOP Open Air Burning of Hazardous Waste.** I object to NMED allowing DOE/LANL to use the open air for burning 12,500 pounds of hazardous waste each year. The open burning releases poisons into the air we breathe, which poses a direct threat to the wildlife, public health and the environment. In 2004, NMED stopped the open burning of household trash because of toxic emissions. I support NMED requiring DOE/LANL to install a confined burn facility as an alternative to open burning.

**2. "Alternative Requirements" Do Not Protect Groundwater.** Many reports over the past five years have described the overall failure of the DOE/LANL to protect the precious groundwater resources from contamination by LANL sources of chemical and nuclear wastes. The Environmental Protection Agency (EPA), the DOE Inspector General and the National Academy of Sciences (NAS) have written detailed reports that describe the major problems in the DOE/LANL groundwater protection practices and lack of compliance with the regulations.

I object to the revised LANL draft permit that relies on "alternative requirements" for groundwater protection. The NAS Final Report described the "alternative requirements" in the March 1, 2005 NMED/LANL Consent Order as an important example of the failure of the LANL groundwater protection practices. The use of "alternative requirements" has not worked. For example, dangerous and fast-moving hexavalent chromium was discovered in the regional aquifer over 5 1/2 years ago in wells directly west of the Buckman wells. Santa Fe pumps over 40% of its drinking water from the Buckman wells. No one knows the extent or direction of the hexavalent chromium plume - work done under "alternative requirements" in the Consent Order. **In order to protect our precious drinking water, NMED must require DOE/LANL to strictly comply with the groundwater requirements of 40 CFR 264, Sections 90 through 101.**

**3. Public Participation Must Be Early, Often, Meaningful and Continuous.** The EPA has issued enhanced public participation requirements for early, often, meaningful and continuous contact with the public about cleanup of the old LANL dump sites that are known as MDAs. The 25 dumps contain "legacy waste" which are dangerous mixtures of chemical and radionuclide wastes. The LANL Legacy Waste Dump Sites include MDAs G, H and L at Technical Area 54 (TA-54) and MDAs A, B, T, U and V at TA-21. DOE/LANL have been lax in fulfilling public participation requirements for the cleanup of the 25 LANL MDAs, such as providing access to documents and opportunities for public input into the decision-making processes and holding public meetings. Further, DOE/LANL is required to establish an **Information Repository** where permit documents are readily available to the public.



