

SANTA CLARA

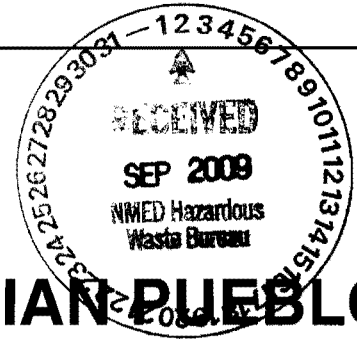
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OFFICE OF GOVERNOR



September 1, 2009

Via facsimile, e-mail, and first-class mail:
john.kieling@state.nm.us

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

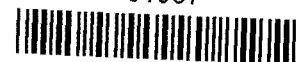
Re: Comments of Santa Clara Pueblo on the July 6, 2009 Revised Draft Hazardous Waste Permit for Los Alamos National Laboratory ("LANL"), EPA Identification Number NM0890010515 ("Revised Draft RCRA Permit")

Dear Mr. Kieling:

As you know, Santa Clara Pueblo filed extensive comments on the original draft of the above-referenced LANL permit issued in August 2007 by the Hazardous Waste Bureau of the New Mexico Environment Department ("NMED") in accordance with the New Mexico Hazardous Waste Act and the State's delegated authority to regulate pursuant to the federal Resource Conservation and Recovery Act ("RCRA"). Santa Clara Pueblo appreciated the opportunity to participate in a variety of discussions regarding the August 2007 draft permit. The Pueblo understands that the Revised Draft RCRA Permit issued this summer replaces the August 2007 draft permit previously issued by NMED.

A number of concerns initially raised by Santa Clara Pueblo have been addressed in the Revised Draft RCRA Permit. Thank you for your attention to our concerns and for strengthening the Revised Draft RCRA Permit. We also understand and appreciate that NMED is committed to working through a variety of on-going issues with the Pueblo related to the Revised Draft RCRA Permit through our government-to-government relationship. Please note that this may result in the Pueblo officially commenting on related RCRA issues at another time as NMED makes more specific implementation decisions in its regulatory role regarding LANL corrective action or closure or post-closure care.

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Consequently, at this juncture, we have only two specific questions to raise regarding the Revised Draft RCRA Permit.

1. Why do the closure plans included in Attachment G of the Revised Draft RCRA Permit allow for the option of disposing of low-level radioactive solid waste in the future at TA-54, Area G?

This option appears in a number of tables scattered throughout Attachment G of the Revised Draft RCRA Permit. See, for example, Revised Draft RCRA Permit at Table G.1-5, Table G.4-6, Table G.6-2, and Table G.7-2. This is not an issue we recall seeing in the original draft permit circulated by NMED. In any event, many of the closure plans included in the Revised Draft RCRA Permit actually deal with units in Area G so it does not make sense to us to allow for any additional future waste disposal (low-level or otherwise) in Area G while NMED is trying, at the same time, to ensure clean closure of units in Area G. We therefore urge NMED to reconsider allowing for this option in the final permit to be issued.

2. Why is the maximum amount of waste to be treated by open burning set at 12,500 pounds of waste per year?

This maximum amount is set forth in section 6.1.2 of the Revised Draft RCRA Permit. While we appreciate the numerous revisions NMED has made to strengthen this overall section of the permit, the Pueblo has not yet seen any documentation from NMED or LANL that actually justifies the need for this particular maximum volume. It is our understanding that LANL has been treating significantly less pounds per year of waste through this method of treatment than the maximum amount proposed in the Revised Draft RCRA Permit. Even taking into account some need for flexibility of waste treatment options at LANL, this number still seems high for a ceiling in the permit.

As Governor Chavarria indicated in the comments Santa Clara Pueblo filed on the August 2007 draft of this RCRA permit, we realize that this permit, so long in the making after too many years of administrative extensions, is only the first step, but it is important to Santa Clara Pueblo that it be the best first step it can be. Please bear in mind that, prior to the Manhattan Project, the Pajarito Plateau was pristine. The people of Santa Clara Pueblo are deeply connected to this area. This has been the homeland of the Santa Clara people since time immemorial and will always be our homeland and it is our duty to ensure we do all we can to preserve this area for future generations. Santa Clara Pueblo therefore appreciates the opportunity to comment on the Revised Draft RCRA Permit and to continue to work through our more specific implementation concerns directly with NMED through our government-to-government relationship.

Mr. Kieling
September 1, 2009
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Sincerely,

A handwritten signature in black ink, appearing to read "J. Bruce Jafar, At Gov.", written in a cursive style.

Walter Dasheno
Governor

cc: Hon. Ron Curry, Secretary, NMED
Milton Bluehouse, Jr., Tribal Liaison, NMED
James Bearzi, Hazardous Waste Bureau Chief, NMED
Santa Clara Pueblo Tribal Council
Joseph M. Chavarria
Jessica R. Aberly