

Kieling, John, NMENV

From: penny mcmullen [pmsl@cybermesa.com]
Sent: Friday, September 04, 2009 3:15 PM
To: Kieling, John, NMENV
Subject: Comments on Hazardous Waste Permit for LANL

Date: Sept. 4, 2009

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

Dear Mr. Kieling:

I make the following public comments on behalf of the Loretto Community 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 a quarter million pounds of hazardous waste each year during the 10-year permit.

1. Prohibit open-air burning of hazardous waste.

I collected over 500 signatures on the petition to require LANL to stop open-air burning of hazardous waste and instead use a confined facility. I delivered them to Steve Pullen at the NMED Hazardous Waste Bureau yesterday. The various organizations working on this issue collected over 1000 signatures, a clear indication that citizens object to LANL's practice of open-air burning, which poses a direct threat to public health, wildlife and the environment.

Copies of all the petitions were delivered to the NM Congressional delegation. The Loretto Community asks NMED to actively work with them to change the law/regulation that allows for the open-air burning of hazardous waste at LANL.

In 2004, NMED stopped the open burning of household trash because of toxic emissions. If NM Environment Department cares about the environment of New Mexico, we urge NMED to also work with the NM legislators to ban all open-air burning of hazardous waste throughout the state.

There are many new thermal treatment technologies to treat high explosives and associated hazardous waste that LANL could use as an alternative to open-air burning. One company offering this service is El Dorado Engineering, Inc. Please check them out at www.eldoradoengineering.com.

2. Do not allow "Alternative Requirements."

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. 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 and not use "alternative requirements."

3. Need study of Seismic Hazard.

We object to NMED allowing DOE/LANL to continue to manage hazardous waste without the necessary studies of the seismic hazard and without a reliable network of seismometers.

A 2007 report described a 50% increase in the seismic hazard at LANL. The 2007 report identified many deficiencies in the knowledge of the seismic hazard but the necessary studies are not being



performed. The 2007 report 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. NMED must conduct a full investigation into the recommendations from these seismic reviews before the permit is finalized for the hazardous waste management units.

4. Need better 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 expert reports described serious problems with LANL fire protection before the Cerro Grande Fire of 2000. Now new expert reports describe the ongoing failure to provide fire protection.

We 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 for the 26 hazardous waste management units.

5. We support Financial Assurance Requirements.

We support NMED requirements in the revised draft permit that DOE/LANL must meet all of the financial assurance requirements for each of the 26 hazardous waste management units. Because DOE/LANL do not want to provide the financial documents that say they will have funding available in order to cleanup the contaminated facilities at LANL when they are done using them, we do not trust that they will do the cleanup without NMED's requirement.

6. Public Participation must be "early, often, meaningful and continuous." NMED must require DOE/LANL to meet the enhanced participation requirements for early, often, continuous and meaningful contact with the public as specified by the EPA for both the Consent Order and the Final LANL Permit. This includes requiring DOE/LANL to establish both a physical Information Repository in the Española Valley as well as a virtual Information Repository in order that permit documents can be readily available to the public.

We appreciate your attention to these important issues.

Sincerely,

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