

Permit

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Kieling, John, NMENV

From: Monica Steensma [monica@vom.com]

Sent: Monday, May 03, 2010 5:58 PM

To: Kieling, John, NMENV

Subject: NMED LANL permit comments

Attachments: NUCLEAR PROBLEM - NMED LANL permit comments 4-2-10.doc

ATTACHED ARE OUR PUBLIC COMMENTS ON THE PROPOSED LANL PERMIT FOR HAZARDOUS WASTE DISPOSAL.

THANK YOU,
M. STEENSMA



MAY 3, 2010

TO: Mr. 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
E-mail: john.kieling@state.nm.us
FROM: Monica and Hugo Steensma
627 Calle de Valdez
Santa Fe, NM 87505
SUBJECT: Our comments on the 2/2/10 revised draft of Hazardous Waste Permit - LANL

Dear Mr. Kieling:

As deeply concerned and worried residents of Santa Fe, my husband and I wish to present to you the following public comments regarding the revised draft Hazardous Waste Permit for Los Alamos National Laboratory (LANL), which proposes to allow the Department of Energy (DOE) and LANL to handle the alarming amount of up to a quarter of a million pounds of chemical and radioactive, and therefore highly toxic, hazardous waste material each year during a 10-year permit period:

1. We **very strongly endorse and support** NMED's prior denial of LANL's permit applications for the open air burning of such hazardous waste. For over 20 years, the lab at Los Alamos and the DOE have received ample notice and indications that the citizens and residents of New Mexico most definitely DO NOT the LANL facility -- or any other entity -- to be allowed to use our air for the dangerous and harmful open burning disposal of hazardous waste! In the very worst case scenario, and only if no other choice is possible, any such incineration program should only be considered if alternative methods can be used to adequately protect the public health, and, equally important, the environment as a whole.

Such much less dangerous alternatives might include the use of confined burn facilities designed to capture the emissions, and prevent the atmospheric release of harmful incineration by-products. However, any permit which might be granted for tightly controlled (and state monitored) confined burned facilities must also include carefully calculated limits on the amount and types of waste which could be burned, and to further protect our air quality, strict limits should be imposed on the frequency of such burns.

Accordingly, before any permit is finalized, at the very least, NMED should absolutely require that LANL must install appropriate and effective, confined burn facilities, pre-approved by NMED, as the only allowable alternative to open burning,. Again, such permit must also include limits as to the type, amount of waste, and frequency of burns.

2. We further strongly demand ONGOING AND TIMELY public participation in all phases of the decision-making process regarding disposal and management of the hazardous materials currently under the supervision of LANL.

As you know, the Environmental Protection Agency (EPA) has already issued mandates

about the cleanup of the numerous, highly contaminated dump sites now placed under LANL, including the requirement that public participation must occur early in all decision-making processes, AND that such participation and information dissemination must also be meaningful, and continuous. Specifically, the (EPA) has issued enhanced public participation requirements for early, often, meaningful and continuous contact with the public about the cleanup of the 25 dumpsites now under control of LANL. These dumps contain the so-called "legacy waste," which is comprised of highly dangerous admixtures of waste contaminated with both chemicals and radiation. To date, unfortunately, DOE and LANL have been very lax in fulfilling these public participation requirements, such as holding public meetings, providing documents, and informing the public of opportunities for input into decision-making, and the NMED has not as yet put sufficient pressure to bear to make this happen.

Therefore, ANY PERMIT TO BE ISSUED MUST INCLUDE specific, detailed, and mandatory requirements for NMED, DOE, and LANL consistently and without fail to provide enhanced participation -- as already required by EPA -- for timely, continuous, and meaningful contact with the public about both the Compliance Order on Consent (Consent Order) and the Final LANL Permit.

3. It is our understanding that DOE and LANL are obligated to establish an Information Repository where permit documents are readily available for public review. At present, it appears that NMED is only requiring LANL to create a virtual (electronic) repository. Previous drafts of the permit required both a virtual and physical repository, which the EPA supports, and which we endorse as well.

Therefore, in order to make certain all members of the public, including residents of directly urban and rural communities, those without computers, and the present and future generations who might be deprived of information in the event electronic data were to be lost or altered, can have physical access to the information vital to protect public and environmental health and take informed action as needed, we must demand that NMED require DOE and LANL establish both a physical Information Repository in the Española Valley, as well as a virtual (electronic) Information Repository before the permit is finalized.

4. In regard to the issue of "Emergency Management, Planning, Preparedness and Response", we understand that over the past 10 years, very serious deficiencies in the DOE/LANL Emergency Management and Response Division have been found by several government auditing agencies, including the DOE's own Inspector General, the Government Accountability Office, and the Defense Nuclear Facility Safety Board. The reports previously issued have described serious problems with LANL fire protection, even *before* the nearly catastrophic Cerro Grande Fire of 2000. Even more alarming is the fact that the most recent reports continue to cite describe the ongoing failure to provide fail-safe fire protection.

I strongly object to NMED allowing DOE/LANL to continue hazardous waste operations 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.

5. We are also very concerned about seismic hazards on the volcanic Pajarito Plateau. A 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 only seismometers at three locations that are not kept in calibration.

Therefore, I also strongly object to NMED allowing DOE/LANL to continue ANY hazardous waste operations without the necessary field studies, and absent a reliable network of seismometers. NMED must conduct a full investigation into the recommendations of these seismic reviews before the permit is finalized.

6. **Financial Assurance Requirements.** 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.

I fully support NMED's 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.

In conclusion, I must beseech you in the strongest possible terms to think FIRST about the public health and safety, and the protection and preservation of our air quality, water sources, and the health and viability of all the other life forms that inhabit the affected New Mexico ecosystems, when your department makes any and all of its decisions regarding the handling of toxic wastes in our state.

Thank you for your attention to our comments and deep concerns.

Sincerely,

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