

General



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DEPUTY SECRETARY

MEMORANDUM:

TO: Kathleen Sisneros, Director, W&WMD

THRU: *BY* Benito Garcia, Chief, HRMB
Edward Horst, RCRA Insp/Enf Program Mgr. *[Signature]*

FROM: Coby Muckelroy, Insp/Enf Supr *[Signature]*

DATE: January 28, 1994

SUBJECT: DOE/LANL and Citizen Groups Meeting on NEPA/EIS Issues

On January 28, 1994 I participated in a meeting between DOE/LANL officials and various public interest groups, including pueblo representatives, concerning the proposed expansion of TA 54 Area G and its relation to NEPA, as well as other projects' relation to NEPA. A list of the attendees is attached. Jerry Bellows and representatives of DOE Headquarters were present. The meeting was moderated by Jackie Cabasso of the Western States Legal Foundation.

The main thrust of the meeting was that the citizen groups were concerned that DOE/LANL must perform a new site-wide EIS and initiate a self-imposed moratorium of certain proposed projects for waste management. The following is a selected list of peoples' comments.

Greg Mello, Los Alamos Study Group: expressed concern that a Mixed Waste Disposal Facility will be expanded to include current operational waste in addition to just environmental restoration and legacy waste. He also asked why the lab needs increased dumping areas at Area G.

Jay Coghlan, CCNS: emphasized the need for a new, comprehensive site-wide EIS.

John Stroud, Los Alamos Study Group: emphasized that a site-wide EIS should be performed at a minimum prior to expanding or adding a new project.



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Pueblo Council representative: the first priority is to conduct a new site-wide EIS. More new data is required before any new projects are begun. He asked why DOE assumes wastes must be generated at the current rates, and stated that DOE should provide the public with data on why it must be generated at such rates.

Jerry Bellows: DOE is making progress on development of a site-wide EIS. At the local level, DOE is committed to it, but approval and funding from DOE HQ is needed first.

Diana Webb, LAAO NEPA person: a draft EA for the Area G expansion was submitted to the Albuquerque Operations Office, and LAAO is working to see if it can now be released for public review and comment.

Pete Siebach, DOE HQ: efforts to open communication with interested citizens are being expanded, and DOE wants to see more public input.

Connie Soden, DOE Alb. Op. Office: DOE Alb. office is looking at getting a contractor to do a site-wide EIS and is committed to having one done. However, projects may have to go on while the EIS process is performed.

Jerry Bellows: explained that some of the proposed projects are required by EPA and NMED and therefore must be done under penalty of law. Therefore, a conflict between this fact and holding off projects for EIS completion is a reality that DOE has to deal with.

Steve Simpson, DOE HQ NEPA Oversight: his office is pushing for a site-wide EIS since the Tiger Team finding. But who pays for it? His office does not pay for NEPA. Instead, Env. Restoration, Nuclear, and Defense Programs pay for it.

Greg Mello: stated that NMED wants a detailed break-down of where wastes are generated. Bruce Swanton asked for this information under the AIP, and he hasn't received it to a great enough extent.

DOE officials tried to hint often that some of the proposed projects cannot be put under a moratorium because of recently initiated EPA and NMED agreements and orders, putting construction under legal mandate.

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One citizen asked the lab to distinguish which wastes are from previous activities and how much is from current operations.

Although at no point in the meeting did I feel obligated to make any comments or statements, the moderator at the end asked for a comment from the state. I stated that NMED to my knowledge has no official position on a site-wide EIS, probably because the state has no regulatory authority over some of the proposed and existing activities. NMED does have authority over some activities, and we have asked for copies of EIS's for review in the past. I added that a moratorium over some projects very well could be in conflict with what the state has asked LANL to do in some cases. I also stated that some projects will require a RCRA permit, and that the permitting process may mirror some of the EIS requirements.

If you would like more input on what transpired at this meeting, please feel free to contact me.

Kathy,
I agree with concept on
need for EIS for specific projects
which could impact the environment.
Some projects, however, may not need
EIS. In the case of the project
precipitated by NMED's order on
mixed waste, EIS would delay
the project and not be beneficial.
Beards

MEETING ON NEPA ISSUES

DOE / LAAO 11/28/94

<u>Name</u>	<u>Organization / Address</u>	<u>Phone</u>
Diana Webb	Dept of Energy / Los Alamos	(505) 665-6353
Jackie Cabasso	Western States Legal Foundation	(510) 839-5877
Nancy Pickett	Los Alamos Study Group	(505) 982-7747
Greg Kiehl	LASG	505- " "
Andrew Lichman	Western States Legal Foundation	510 839 5877
Juan Montes	RAMA	505/586-1241
Jeremy L. Bellows	LAAO	505/667-5105
HERMANN C LE-Doux	"	" " "
CHRISTINA ARMISTO	"	505/665-5025
Joe Vozella	"	505/665-5027
HARRY OTWAY	LAINL	505/665-4100
Lorenzo Valdez	NM Alliance / RAMA	753-3269
Pete Siebach	US DOE HQ Waste Operations	301 903-7120
Jon Mack	US DOE Los Alamos Area Office	505/665-5026
Stephen Simpson	US DOE Office of NEPA Oversight (HQ)	202-586-0125
Conure Soden	DOE / Albany / Env. Protection Div	505-845-5580
JAY COHEN	CCNS	505/986-1973
Allie Rose	Ross Research (Sanctuary Foundation)	505 988-8091
Galeand Harris	CAIRD	505 842-9710
Caron Balkany	CCNS - legal	505-983-1612
John Stroud	Los Alamos Study Group	505-982-7747
COBY MUCKELROY	NM Env. Dept. / HRMB	827-4308
Erine Sanchez	student	(505) 753-4200
J. Gilbert Sanchez	SAN J / Elio Cook	505-455-2273
Ralph Kopanski	Santa Clara Pueblo - LDP	505-753-0596

Erik Funder	SAN JUAN DE LOS RIOS Pueblo	505-455-2273
Elizabeth Wilkins	Seemiteck, Inc. / DOE LAAO	505-665-5048
Joyce Hester Laeser	LAAO / DOE	(505) 667-4667

January 10, 1994

Mr. Thomas P. Grumbly,
Asst. Secretary for Environmental Restoration
and Waste Management
EM-1, Rm. 5A-014
US Department of Energy,
1000 Independence Ave. S.W.
Washington, DC 20585

Re: Proposed Expansion of
Area G, TA-54, LANL

Dear Mr. Grumbly:

The proposed expansion of TA-54, Area G, at Los Alamos National Laboratory (LANL), which would designate approximately 70 additional acres on Mesita del Buey for the shallow land disposal of low-level radioactive waste (LLW), is an action with potentially severe and adverse consequences for the Laboratory, neighboring Indian tribes, residential communities, and the northern New Mexico region. The proposed expansion appears to be on a "fast track," apparently driven by claims of dire consequences for Laboratory operations if it is not accomplished immediately.

However, a recent internal Laboratory report ("A Fresh Perspective on the Proposed Expansion of Area G at TA-54," October 29, 1993) prepared by an employee group called Our Common Ground in response to a request from the Laboratory Director clearly shows that there is ample time for the thorough, informed, and considered judgment that both common sense and federal environmental law demand before such a significant action is taken. The facts set forth at the end of this letter demonstrate beyond a reasonable doubt that there is no near-term LLW disposal "crisis" at Area G. This being the case, we request that you initiate and support the following actions, which will benefit all parties:

1) Prepare an Environmental Impact Statement (EIS), not an Environmental Assessment (EA), for this project. The purpose of an EIS is to carefully examine alternatives to the proposed action in a context of public, state government, and Pueblo participation. The EA process currently underway has frozen all of these affected parties out of the decision-making process. Further, the draft EA apparently fails to consider several practical alternatives to the proposed expansion, some of which were identified by Our Common Ground, others by us. In addition, an EA is inappropriate and insufficient for such a significant action. Area G is already one of the largest radioactive waste dumps in the country, and the proposed expansion would more than double its present size.

2) Delay decisions on waste management projects that entail permanent disposal until completion of a site-wide EIS for LANL. The Tiger Team and at least two other environmental

*AC -> Benito
10 AM Mtg on 1/28/94
with Jerry Bellow
at Bellow's office
85th St at Hillman
Benito.
Please attend
Kms
1/24/94*

audits have found the 1979 LANL site-wide EIS to be outdated and inadequate. Yet the EISs (or EAs) for the above waste management projects will critically depend upon programmatic decisions affecting the types and volumes of wastes generated, decisions which can only be made in the context of a site-wide EIS (which in turn may depend upon the Programmatic Reconfiguration EIS now in progress). The site-wide EIS should thoroughly analyze the cumulative impact, both on- and off-site, of current and proposed operations and waste management activities, together with alternatives.

3) Prepare EISs for all significant LANL waste management (WM) projects, subsequent to the site-wide EIS. The proposed expansion of Area G is but one of several highly controversial WM projects at LANL. Others include:

- ▶ A Mixed Waste Disposal Facility (MWDF), with a capacity of 475,000 yd³ - more than twice the size of the controversial Waste Isolation Pilot Plant (WIPP), also in New Mexico;
- ▶ A radioactive waste incinerator, slated to burn transuranic (TRU) waste and low level waste (LLW) generated both from LANL and other DOE sites;
- ▶ A mixed waste treatment facility;
- ▶ A radioactive liquid waste treatment facility (at an estimated cost of 175 million dollars);
- ▶ A TRU waste treatment facility; and
- ▶ A high-explosives wastewater treatment facility.

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Excluding the MWDF, whose construction is funded by the environmental restoration (ER) program (but which will be used for disposal of LANL operational wastes), and the TRU waste treatment facility, for which no planning funds have been allocated, the combined cost of the above facilities has been estimated for us as 250 million dollars.¹

Mr. Grumbly, no EIS is planned for any of these projects. Most of them are federal actions with significant environmental impact, requiring full EISs under the National Environmental Policy Act (NEPA). Taken together, they comprise a large integrated waste management system--one that commits New Mexico to be the permanent burial ground for tons of radioactive waste. We insist that alternatives to these projects be carefully examined and considered, either separately or as a group, using the EIS process.

If the DOE nonetheless goes forward with an EA without either waiting for a site-wide EIS or committing to an EIS for the Area G expansion, then the following steps should be taken:

A) Release the current draft EA for the Area G expansion now, for informal public comment, and put copies of all data and documents used in preparing it in one or more reading rooms. At the present time, certain groups have access to the EA while others do not. For example, Laboratory staff participating in televised discussions of Area G issues at meetings of

1. Anthony Drypolcher, EM-7, LANL, personal communication.

the Los Alamos Working Group on Community Health Concerns had the document while the public with which they were "discussing" the issues was denied it; this is unfair and severely limits the public's ability to respond to you in an informed and effective manner.

B) Do not formally release the revised EA for public comment until all supporting data and documentation (i.e., all materials used in preparation of the EA) have been provided to reading rooms and until all Freedom of Information Act (FOIA) requests relating to it have been processed and satisfied.

C) Allow a minimum of 90 days for comment on any revised EA when formally released. The proposed action is a highly sensitive one, and the informed evaluation of it and its alternatives are complex matters of mixed technical, legal, public health, and public policy import. Given the limited resources of those who will be responding and their inability to instantly turn their full attention to the EA on the day it is released, a comment period shorter than 90 days would impose a considerable burden with no recognizable benefit.

It is our belief that the above actions will foster an open and productive dialogue and tend to produce the best possible outcome for the Laboratory and the public. We hope you agree.

The remainder of this letter is a discussion of the central question of whether there is a near-term LLW disposal crisis at Area G. If there is not, then there is no impediment to the preparation of an EIS for this project.

The Laboratory staff of Our Common Ground had the September 1993 draft EA available to them when they prepared the report to the Director referenced above. A review of that report and the 1991 EA reveals the following:

- a) Present LLW disposal capacities at Area G are approximately 50,000 m³ (exclusive of asbestos disposal capacities, which are sufficient for at least ten years); and
- b) The 1991 and 1993 EAs projected a remaining useful lifetime of 2 years, apparently calculated assuming an annual volume of LLW generation of 5,000 m³/yr, and a waste pit volume factor of approximately 20%.

Curiously, the same projected 2-year lifetime appears in both the 1991 and the 1993 draft EAs, even though LLW disposal operations have continued at Area G for two years. That is an excellent indication that the 2-year lifetime projection is wrong! Further, the Our Common Ground group found numerous reasons why the lifetime of Area G, even now, could be made closer to eight years than to two. Three of the most important are:

- 1) Actual Laboratory routine LLW generation volumes are now about 2,300 m³ instead of the assumed 5,000 m³.
- 2) There is great potential for increasing the pit volume fraction from its currently very low value of about 20%. By comparison, commercial LLW disposal facilities achieve values of 60% - 70%. Our Common Ground quotes Laboratory staff as believing that the volume fraction could be increased to 30% - 40% within only one year.
- 3) LANL waste minimization, evaluation, and segregation practices are minimal. Waste minimization, according to Our Common Ground, is mired in bureaucratic disincentives and

suffers from lack of a Laboratory-wide systematic effort. Waste evaluation and segregation holds great potential for reducing the disposed volume of LLW since both "actual" and "suspect" (but uncontaminated) LLW are presently disposed together; in fact, the volume of "suspect" waste has exceeded that of "actual" waste for 5 out of the last 6 quarters for which data are available.

It is not necessary that all of these measures achieve their maximum potential to obtain a substantial (and realistic) increase in the projected lifetime of Area G. As Our Common Ground concluded:

However, it is important to state that the projected lifetime of Area G might be extended by a factor of four or more [emphasis added] through an immediate, vigorous program of (1) waste minimization including financial incentives and dramatic reduction of suspect waste to reduce overall LLW generation by a factor of two or more and (2) implementation of best management practices from commercial sites to increase pit volume waste fraction by a factor of two or more.

It is, we think, inexcusable for a premier national laboratory not to implement aggressive waste minimization and best disposal management practices, and doing so will result in a lifetime for Area G of 8 years or more, rather than the 2 years upon which the EA is premised.

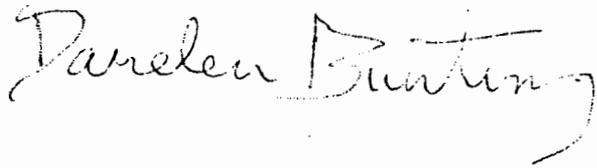
For all these reasons, we believe there is ample time for the preparation of an EIS for Area G and related waste management projects at LANL, and we look forward to participating in this process with you, to our common good.

Sincerely,

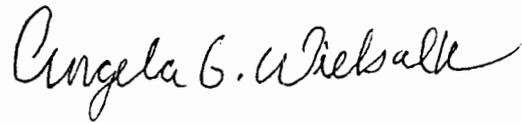


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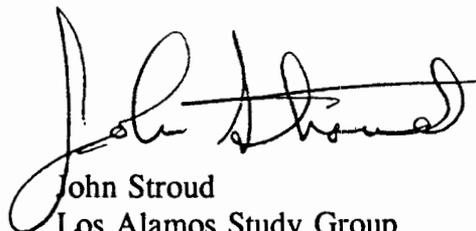
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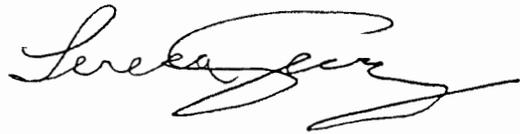
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