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Order could accelerate lab cleanup

R LANL questions state Environment Department findings; activists fear another round of investigation without cleanup

By **JEFF TOLLEFSON**
The New Mexican

The state Environment Department says an order issued Thursday could hasten environmental cleanup work at Los Alamos National Laboratory by as much as two decades.

The document, issued in draft form for public comment, sets cleanup standards and schedules for sites throughout the nuclear weapons laboratory. The lab estimates that cleanup could

take 30 to 40 years, depending on funds, but state officials said they want to reel in that date.

"This is our sincere attempt to ... accelerate the process," Environment Department Secretary Pete Maggiore said during a news conference Thursday.

Maggiore noted other states that have issued similar legally binding orders have put their local U.S. Department of Energy officials in a better position to justify requests for funding from Congress.

Later this year the department plans to issue a permit that will set out requirements for using, storing and disposing of hazardous materials later this year. In concert, officials say, the two documents should bring hazardous wastes at the lab under much tighter control.

Environmental and nuclear activists immediately sounded alarms, however, fearing the Environment Department is going through just another investiga-

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tion phase that will produce bureaucratic paperwork as opposed to real cleanup. Nonetheless they admit the plan has potential since it sets uniform cleanup standards, lays out a process and sets a schedule that will make the lab more accountable.

"I think it's fine the Environment Department is creating a rather stringent process, but it's still not the rubber hitting the road," said Jay Coghlan, who heads Nuclear Watch of New Mexico.

"And I can't be too confident of the Environment Department," he added. "I'm not sure they've got the resources ... to diligently carry out these compliance orders."

Although the state regulates hazardous wastes, the lab has generally worked on its own cleanup schedule without specific directives from the state. Activists say the state should have required all the investigations in the proposal years ago.

State officials admit the department just hasn't exerted its authority to the extent allowed by federal hazardous-waste laws in the past. Nonetheless Maggiore said he was given a directive in 1998: "Get a handle on Los Alamos."

The proposal attempts to

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do that in a technically and legally defensible manner, he said.

Most agree both of those qualities are important because the lab has a history of fighting state regulations. The order would be legally binding, so it would also have to hold up in the courts if LANL decided to challenge it.

The document relies on a separate legal finding that hazardous wastes represent an "imminent and substantial endangerment to human health and the environment." On Wednesday the lab released a prepared statement questioning that assertion but pledging to work with the state anyway.

Lab officials declined to comment Thursday.

State officials stressed their finding does not mean there are any real or immediate health dangers.

James Bearzi, Hazardous Waste Bureau chief for the state, said the lab might balk at the Environment Department's effort to insert itself into monitoring and cleanup of sites that contain only radioactive materials, which fall under the regulatory purview of the federal government.

Activists also fear the laboratory will try to undercut cleanup through the risk-assessment process. According to this logic, if the lab is able to argue the land would remain off-limits to people, then the risk of exposure to humans is low, which could translate into less cleanup.

Risk assessments technically include both human health and the environment, but Nuclear Watch's Coghlan would like to see the language tightened up to close this and other potential loopholes. He said the Environment Department will have to stick to its guns to ensure the lab actually cleans up its pollution.

"There is great potential here as long as (the department) stays on it and holds the lab's feet to the fire," Coghlan said.

What's in the cleanup order?

The New Mexico Environment Department's proposed cleanup order for Los Alamos National Laboratory sets out requirements for both minutia (how water samples should be packaged) and the big picture (when reports must be submitted and how the final cleanup actions are to be evaluated).

The draft order contains more than 20 pages of deadlines alone, specifying when each step of the process must be complete. The document describes what needs to be done at sites throughout the laboratory before the actual

cleanup phase can take place.

Once the investigation is complete — the schedule depends on the complexity and priority of a given site — the order would require a report investigating possible cleanup alternatives. The Environment Department would then evaluate each alternative according to several criteria — long-/short-term performance, proven efficacy, the need for long-term management, cost and reduction in toxicity.

Risk assessments looking at both human health and the environment also would be

used to determine cleanup activities. For carcinogenic substances the Environment Department proposes to use a risk level of 1 additional cancer case in every 100,000 people. Although the state does not regulate radionuclides, department officials say radioactive materials would be considered in all risk assessments.

The department would select a cleanup alternative and give the public 60 days to comment before making a final decision.

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Public meetings on the LANL cleanup

The Environment Department is planning to address questions regarding the cleanup order at a series of public meetings this month. Oral testimony will not be accepted, although individuals may submit written comments. Spanish-language interpreters will be present, and key documents have been translated into Spanish.

All meetings take place from 6 to 9 p.m.:

■ May 21: Northern New Mexico Community College, Center for the Arts Amphitheater, 921 Paseo de Oñate, Española.

■ May 23: Jemez Springs High School gymnasium, 8501 N.M. 4, Jemez Pueblo.

■ May 28: Smith Auditorium, Los Alamos High School, 1400 Diamond Drive, Los Alamos.

■ May 30: Harold Runnels Building, 1190 St. Francis Drive, Santa Fe.

The Environment Department will accept comments on the order through 5 p.m. July 1. Send comments to James Bearzi, chief, Hazardous Waste Bureau, New Mexico Environment Department, 2905 Rodeo Park Drive East, Building 1, Santa Fe, N.M. 87505-6303.

Copies of the order, a summary fact sheet and related documents are available at the Hazardous Waste Bureau and on the Internet at www.nmenv.state.nm.us/HWB/pubnotice.html.

For more information call 428-2500.

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