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Headline News

Contamination cleanup poses more questions than answers

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Nation

General: Order (draft)

The New Mexico Environment Department wraps up its public question and answer sessions this week concerning its draft order detailing provisions for accelerated environmental investigations and cleanup of contamination at Los Alamos National Laboratory.

There were more questions than answers at Thursday night's meeting in Santa Fe, as new initiatives by the lab, Department of Energy and the Environment Department itself came to light, distracting attention from the state's action, a "Section 13 Order" under the authority of the state Hazardous Waste Act.

The administrative order, a comprehensive plan to fully investigate and fully clean up waste sites at LANL, details specific requirements for dealing with high priority sites and ongoing projects. The draft is based on a formal finding of "imminent and substantial endangerment" from the release of contamination by the laboratory into the environment. Meanwhile, the laboratory has notified the department of its intention to dispute that finding in court, according to state officials.

Linn Tytler, speaking formally for the laboratory after the meeting, said, "We share the interests of NMED and New Mexico citizens and will continue our efforts to reduce the laboratory's impact on the environment."

She added, "We disagree with NMED's determination that '...there may be imminent and substantial endangerment to human health and the environment.'"

The Environment Department has maintained that, while courts have not ruled on the matter in New Mexico, elsewhere courts have supported a broad interpretation of the regulator's right to make such a finding, even without an immediate and proven risk, if there could be a potential risk in the future. James Bearzi, hazardous waste bureau chief for the department, said, "At the very least there's groundwater contamination that the department believes is certainly derived from laboratory operations."

That alone could justify the finding, he implied.

Also discussed during the meeting was news that state and



federal officials were about to reach an agreement on speeding up cleanup work in the weapons complex statewide. During the public meeting in Santa Fe, Environment Department officials were asked if the pending national agreement would supercede the massive cleanup order they were proposing.

Bearzi described the letter of intent in the works among the state, DOE, and the Environmental Protection Agency as "an agreement in principle" that describes "high and lofty principles."

"It's just a letter," he said, "and not legally enforceable. It does not supercede any part of the order."

Blake Trask of the Los Alamos Study Group pursued the question, noting that the letter of intent appeared to rely upon the hypothetical passage of a new state law allowing land use covenants that might weaken restoration requirements. DOE land proposed for remediation and transfer to Los Alamos County, for example, might be cleaned up to industrial standards, rather than residential standards, effectively lowering the cost and potentially the environmental condition of the land.

Bearzi agreed that the department has favored passage of such a law in the past at the state legislature, but said that under current law the lab "can't get it done without hitting residential" levels of cleanup.

The Environment Department's order has been criticized by Nuclear Watch of New Mexico for not doing enough about the cleanup.

In answer to a question from the audience about the schedule, Bearzi said the plan was "long on investigation and short on cleanup."

"This should have been done 10 years ago, and the end of the cleanup isn't in here."

Bearzi said his last question and answer session was to be held today at the Northern New Mexico Citizen's Advisory Board retreat in Taos.