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General: Final Order

Monday, December 09, 2002

Headline News

Clean-up order issued

Monitor Staff Report

The New Mexico Environment Department issued a final clean up order to Los Alamos National Laboratory Tuesday.

The order is based on a finding "that the past or present handling, storage, treatment or disposal of solid or hazardous wastes at LANL may present an imminent and substantial endangerment to health and the environment..."

The document prescribes a schedule and a plan for investigating and cleaning up contamination from wastes at the laboratory.

The order places the ball back in the lab's court in what will surely be an extended process, complicated not only by the issues themselves but also an imminent change of administration in Santa Fe.

The conflict came to a head May 2, 2002, when NMED issued a draft administrative order and corrective measures proposed, along with a process for input by the public and the lab.

The laboratory maintained official silence for several months before filing an extensive court challenge and public comments.

As recently as September 30, the laboratory amended its court complaint, in the name of the Regents of the University of California.

"We had hoped that additional court action would not be required," said James L. Holt, associate director for operations at LANL in a statement at that time.

"NMED's draft order would require expenditure of more than \$207 million without actually cleaning up any of the legacy waste sites."

The laboratory has expressed confidence in a Performance Management Plan worked out with the Department of Energy, which calls for completion of legacy waste by 2015.

Former NMED director, Pete Maggiore said upon issuing the order that the NMED plan was expected to cut 20 years off the DOE's formally stated schedule that stretch the process out to 2040.

The laboratory has attacked the state plan on multiple levels, beginning with a direct attack on the finding itself, which the laboratory believes creates a false impression.

The evidence they have offered to the court, says the lab's court complaining, establishes that "there are no significant risks associated with contamination at the laboratory."

State officials have said their mandate under the Hazardous Waste

Nation



State officials have said their mandate under the Hazardous Waste Act is meant to be interpreted broadly, and clearly encompasses the risks that are evident at the laboratory. "The order is intended to put the Lab on an enforceable schedule to fully investigate and clean up environmental contamination at the facility," said Environment Secretary John R. D'Antonio, Jr.

An NMED spokesman said the office expected the laboratory to amend their court documents to take into account changes and revisions in the final order, since the previous documents were based on the draft order.