

Handwritten notes on the left margin: "Handwritten notes on the left margin" and "Handwritten notes on the left margin".



# CCNS

## Concerned Citizens for Nuclear Safety

Permit

August 28, 2000



John Kieling  
Hazardous and Radioactive Materials Bureau  
New Mexico Environment Department  
2044 Galisteo Street, Suite A  
Santa Fe, NM 87502

Re: Comments on Los Alamos National Laboratory's Class III Permit Modification Request to Remove Nine Solid Waste Management Units from Module VIII of the Hazardous Waste Facility Permit

Dear Mr. Kieling:

Concerned Citizens for Nuclear Safety (CCNS) responds to the request for comments on Los Alamos National Laboratory's (LANL) Class III permit modification request to remove nine Solid Waste Management Units (SWMUs) from Module VIII of LANL's Hazardous Waste Facility Permit as follows:

1. Long-term Stewardship Concerns. CCNS requests that long-term stewardship issues be an integral part of all decisionmaking regarding LANL's SWMUs. "Long-term stewardship" is defined in the NRDC v. Richardson, Civ. No. 97-936 (SS) (D.D.C. 12/12/98) settlement as the Department of Energy (DOE) referring "to the physical controls, institutions, information and other mechanisms needed to ensure protection of people and the environment at sites where DOE has completed or plans to complete 'cleanup' (e.g., landfill closures, remedial actions, removal actions, and facility stabilization. This concept of long-term stewardship includes, *inter alia*, land-use controls, monitoring, maintenance, and information management."

Unlike many of the DOE sites around the country that are being "cleaned up" and closed, DOE chose to continue its operations at LANL. Record of Decision 9/13/99. According to the 2000 Comprehensive Site Plan, LANL will be "making strategic investments into facilities and infrastructure which enable the work of today and prepare the Laboratory to do the work of the future." Section I. Introduction.

The New Mexico Environment Department (NMED) is charged with protecting public health and safety and for that reason NMED should retain all jurisdiction and enforcement powers over the nine SWMUs that LANL is requesting to remove from Module VIII. The contamination that is being left by SWMU 00-016 (former small-arms firing range), SWMU 00-033(a) (former underground storage tank), SWMU 06-003(g) (inactive firing pad and footprint of former HE processing building), SWMU 15-009(j) (former septic tank and associated seepage pits), SWMU 15-012(b) (former wash area for explosive devices), SWMU 21-005 (former nitric acid pit), and SWMU 40-003(a) (former detonation site), may meet regulatory standards for acceptable levels of risk today, but may not for future generations. Retention of jurisdiction and enforcement



Handwritten initials 'HK' at the bottom left.

powers will ensure that future generations are protected as uncertainty and fallibility are part of the decisions that we make today. NMED must retain its enforcement power.

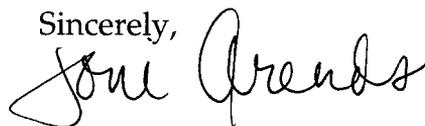
The August 7, 2000 National Research Council (NRC) *Long-Term Institutional Management of U. S. Department of Energy Legacy Sites* report, commissioned by the Department of Energy (DOE), states that the government lacks the technology, money and management techniques to prevent contamination on DOE property from leaving the sites and that these sites may be toxic in perpetuity. (Please see enclosures.) The NRC report also states that:

The status of lands around a contaminated site, including the presence of other contaminated sites nearby, can strongly affect site disposition decisions. Often, however, the separation of sites for administrative purposes (e.g., into operable units or solid waste management units) conflicts with the logic suggested by a site's natural geography, hydrology, and geology. Changing land uses or resource consumption patterns beyond administrative boundaries of a site, but within its natural environment can both affect and be affected by the conditions of the site. Human-induced changes in hydrologic conditions, for example, may affect the ability of isolation technologies to keep soil contaminants out of groundwater. The combination of changing human demand for water, coupled with the induced change in the availability of contaminants to the same groundwater system, can thus create risks that might not otherwise exist. *Successful management of risks will require that the institutional management system be able either to anticipate and prevent such problems before they occur, or to detect and reverse the underlying changes before harm is done.* Summary p. 7.

CCNS requests that NMED incorporate the principles and recommendations found in the NRC's report on Long-Term Institutional Management in all decisionmaking regarding DOE sites in New Mexico. For any SWMUs removed from Module VIII, NMED should require periodic reevaluation of the site disposition decision in an iterative process with the opportunity for public comment.

Should you have any questions regarding our comments, please contact me.

Sincerely,



Joni Arends  
Waste Programs Director

Enclosure: Prepublication Copy of "Long-term Institutional Management of U. S. Department of Energy Legacy Waste Sites," National Research Council, August 7, 2000  
"Nuclear Sites May Be Toxic in Perpetuity, Report Finds," *New York Times*, August 8, 2000