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September 7, 2001

Via E-mail

Mr. John Young  
Corrective Action Project Leader  
Permits Management Program  
New Mexico Environment Department  
Hazardous Waste Branch  
2905 Rodeo Park Drive East, Bldg 1  
Santa Fe, NM 87505-6303

Attention: Neelam Dhawan

Re: **NMED'S INTENT TO APPROVE CLASS III MODIFICATION TO RCRA  
PERMIT NO. NM0890010515 US DEPARTMENT OF ENERGY/LOS ALAMOS  
NATIONAL LABORATORY, NEW MEXICO  
Your Letter of July 25, 2001**

Dear Ms. Dhawan:

Thank you for providing the webpage for the Statement of Basis and the Modified Tables B-01 and A-01 of the RCRA Permit. I was unable to open up the Original LANL Permit Modification which is the last item on the list of public notice documents.

After reading the Statement of Basis (SOB) I find that once again the justifications for the NFA are unsubstantiated and unquestioned. For example, under NFA criterion 1 the reason given for the inactive photo-processing outfall from Bldg. TA-2-4, **SWMU 02-008 (b)** being removed from the permit was that contrary to the fact that the subject SWMU was identified that "interviews with site personnel indicated that the building did not house a photo-processing operation and ...no plumbing or drains ever existed in the building." It seems odd that your office did not require from sworn affidavits from these witnesses to the facts claimed in their statements. Furthermore, the fact that pipes were not found does not mean that none ever existed. Have soil samples been taken where those pipes were suspected to have been located



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according to the permit application? Is there documentation of the kind I am alluding to in the public record depository which supports the claims provided in the SOB. If so can I be provided with them before the end of the comment period or can an extension be provided for presenting comments since as usual mine and one other person's comments will probably be the only comments received? It truly amazes me that the public is so apathetic to the potential danger posed by the LANL actions and your Department's concurrence in them.

The same comments concerning the photo-processing outfall apply even more in the case of the vacuum pump oil issue in **SWMU 15-012(a)**

Although I also oppose on principal the action under NFA Criterion 3, I am more concerned about the removal of **SWMU 00-016(a) FORMER SMALL-ARMS FIRING RANGE; SWMU 06-003(g); INACTIVE FIRING PAD AND FOOTPRINT OF FORMER HE PROCESSING BUILDING; ; SWMU 15-012(B); FORMER WASH AREA FOR EXPLOSIVE DEVICES; and SWMU 21-005 FORMER NITRIC ACID PIT** under NFA Criterion 5. In this criterion the applicant does not deny that there is, and was, a release but rather that the Department concludes that the SWMU in question was characterized or remediated in accordance with applicable state and/or federal regulations and the available data indicate that the contaminants pose an acceptable level of risk under current and projected future land use. The SOB indicates that in case of the small arms firing range the contaminants are hazardous heavy metals ie lead, copper and zinc. Notably the constituents of the contamination at the other sites such as the inactive firing range and footprint which may have been used to test "triggers", which I believe from limited understanding of nuclear weapons testing, were needed to detonate thermo-nuclear devices; at the former explosive device wash area and the nitric acid pit were not also enumerated; that the "sampling verified that the nature and extent of the contamination was defined"; and that LANL implemented a Voluntary Corrective Action (VCA) when the permit required a mandatory corrective action plan and schedule of implementation. In addition, the SOB merely concludes that the amount of contamination poses an acceptable risk without indicating which contaminants and what levels exist and why they are acceptable levels without providing a risk assessment to support its conclusion. I am still concerned about off-site migration into the canyon bottoms and the Rio Grande river which is upstream from densely populated urban areas which may rely on the potentially contaminated rivers for potable water sources if LANL is permitted to walk away from its obligation to remediate the contamination it has caused over the last 50-60 years. By this time I do not expect the Department to exercise the kind of scrutiny of LANL's application which I am urging in this letter be applied before granting yet more modifications of this permit. At this rate the permit will eventually be revoked and the state

of environmental regulation will be set back to the pre-FWPCAA of 1972. The "current and projected future land use" which smacks of a Brownfields rationale for this action does not address the matter of off-site migration of the contaminants as you know.

Thank you for providing me with the opportunity to raise these objections and make a record which this time I may rely on for pursuit of further remedies if these modification requests are finally approved by the Department.

Yours truly,

Richard M. Weinstein