

Permit

Permit (draft order)

<p>NEWSPAPER/JOURNAL</p> <p><b>LOS ALAMOS MONITOR</b></p>	<p>DATE:</p> <p><b>May 3, 2002</b></p>
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### Lab still silent on NMED cleanup order

By: Roger Snodgrass

Los Alamos National Laboratory maintained an institutional silence in the wake of a new, potentially far-reaching environmental determination and corrective proposal announced Thursday by the New Mexico Environment Department.

Meanwhile, the lab's critics have poured into the vacuum.

The finding of "an immanent and substantial endangerment to health and the environment" by the Hazardous Waste Bureau, issued in draft form, sets the stage for an intense period of debate, that will include public meetings in Espanola, Jemez Springs, Los Alamos and Santa Fe later this month.

The hundreds of pages of documents prepared by the Hazardous Waste Bureau include nearly 30 pages of a proposed compliance schedule calling for monitoring, reporting, corrective measures and stabilization plans for the first decade of this century.

Public watchdog groups expressed initial skepticism that the plan could be implemented.

Jay Coghlan of Nuclear Watch New Mexico called it "a glorified information request" lacking a "mandated cleanup."

What Coghlan did find encouraging was that the order would have some legal, regulatory and punitive weight, and that the lab could be penalized for non-compliance by as much as \$25,000 a day.

"As long as the environment department is diligent, it can lead to genuine and accelerated cleanup," he said.

The state's regulatory effort is intended to hasten the pace of cleanup, said Environment Secretary Peter Maggiore, and provide a foundation for future funding requests.

Opening a press conference hastily relocated to a larger venue, Maggiore said, "I didn't think there would be that much interest."

He admitted that there had been no significant change in the environmental situation at Los Alamos between Wednesday and Thursday, but that the finding of endangerment, as a precursor to the draft corrective order was the result of a straightforward and scientific process conducted by the department.

The finding, he said, was enabled by a fairly low legal threshold that allowed him to declare "imminent and substantial danger," even if it were just a "risk of harm," that could be several years in the future.

The draft compliance order, said James Bearzi, hazardous waste chief, outlines in specific detail what Los Alamos will be ordered to do on several environmental fronts, including the cleanup and investigation of the canyon bottoms and landfills, as well as testing, outfall and disposal areas.

The order, he said, emphasizes and proposes an accelerated investigation of groundwater contamination, both in terms of the regional aquifer and the shallower alluvial groundwater and specifies provisions for cleanup as necessary.

The requirements, he said, were the product of "exhaustive research," about "what we know, and more important, what we don't know," about the environmental status of the laboratory.

Environmental management and remediation funds authorized by the Department of Energy have in recent years gravitated to the major clean-up sites like the Hanford Site in the state of Washington, and Rocky Flats in Denver.

In part these priorities have been set by binding legal agreements between the DOE and the individual states, agreements with stringent penalties attached, when deadlines or commitments are not met.



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New Mexico, which Maggiore said, may not have as big a problem, but has "very important facility for us here in New Mexico," has now set in motion an initiative for gaining a foothold on the process by which DOE prioritizes its clean-up assistance.

A major component of Energy Secretary Spencer Abraham's plans for the nuclear complex has been a critique of slow-moving cleanup operations but that has also emphasized dealing with worst-case scenarios first.

While that has qualified Hanford for hundreds of millions in additional funds, it appears to have had a dilatory effect on lesser sites like LANL.

As a result, plans for cleaning up LANL have faded into a nebulous future.

Maggiore said he expected his department's schedule would cut 20 years from the current DOE plans that stretch out to 2040.

The laboratory issued a statement in response to the NMED's anticipated draft order, citing a "basic disagreement with the Department's premise," while at the same time pledging "to work in partnership with NMED in responding to its issues."

The press release quoted a general statement by Dr. Beverly Ramsey, division leader, Risk Reduction and Environmental Stewardship, concerning LANL's commitment "to ensuring the health and safety of our employees and the public, minimizing the impact of Laboratory operations on the environment and providing responsible stewardship of the Pajarito Plateau.

Critics say DOE budget cuts have already dampened monitoring efforts. Joni Arends of Concerned Citizens for Nuclear Safety said that soil sampling at Area G, declined from 53 to 17 samples in the last two years, while vegetative samples were eliminated altogether.

The informational public meeting in Los Alamos is scheduled for May 28 at Duane Smith Auditorium, Los Alamos High School, between 6-9 p.m.