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Permit (draft order, News Article)

**N.M. regulators crack down on Los Alamos contamination**

By: George Lobsenz

In what they characterized as a wake-up call for Energy Department officials in Washington, New Mexico regulators last week issued a draft order setting deadlines for Los Alamos National Laboratory to assess and clean up toxic and radioactive contamination dumped at hundreds of sites over decades of nuclear weapons production.

The order, issued May 2, said the vast quantities of waste released by Los Alamos since the early 1940s had significantly contaminated ground water and soil, resulting in "an imminent and substantial endangerment to health and the environment."

More specifically, the New Mexico Environment Department said Los Alamos had made relatively little progress in detecting and cleaning up heavy metals, toxic solvents and plutonium, uranium and other radioactive materials spewed into the environment through millions of gallons of waste-water discharges, uncontrolled disposal in pits and weapons testing activities.

State officials said they were taking the confrontational step because DOE officials had essentially taken advantage of New Mexico's more informal approach to Los Alamos cleanup in the past. In particular, they said that due to the lack of tough enforcement by the state, DOE officials had given relatively low priority to cleaning up Los Alamos.

"Today signals the end of the way we have typically regulated New Mexico's federal facilities," said Peter Maggiore, secretary of the New Mexico Environment Department (NMED), who noted that in the order the state for the first time was setting cleanup deadlines for Los Alamos.

"We have found that New Mexico's federal facilities have fallen far behind those in other states when it comes to environmental funding. The draft order we issued today requires Los Alamos National Laboratory (LANL) to accelerate its cleanup activities and direct more funding to environmental efforts than we have seen in the past.

"It will also help to raise the priority of LANL's environmental funding requirements to those in Washington who annually allocate DOE monies," Maggiore added. "The draft order is really about getting to 'done' in a more timely manner."

Officials at Los Alamos, which is operated for DOE by the University of California, issued a statement disputing the state's imminent endangerment finding, saying risks to the public from past and current operations were "minimal." They declined to say whether they would contest the draft order, which is subject to public comment through June.

Officials at the National Nuclear Security Administration (NNSA) in Washington, the semi-autonomous DOE agency that operates the nuclear weapons complex, did not respond to questions about the state's draft order.

However, the draft order poses a new challenge for the already struggling NNSA, which has been under fire from Capitol Hill for slow progress in cutting bureaucracy and improving operational efficiency in the weapons complex.

The key focus for NNSA has been developing new weapons facilities and improving outdated infrastructure at Los Alamos and other sites.

At the same time, Los Alamos' hazardous waste permits are up for renewal by New Mexico, meaning a prolonged fight over environmental cleanup with the state could slow issuance of new permits. That, in turn, could hobble lab operations.



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James Bearzi, chief of the New Mexico Hazardous Waste Bureau, said some of the state's cleanup demands would be addressed by four expedited cleanup proposals being developed by Los Alamos. The lab is preparing the proposals in hopes of getting extra cleanup money under Energy Secretary Spencer Abraham's new accelerated cleanup initiative.

Bearzi said the lab proposals would expand groundwater monitoring at Los Alamos to determine the location and spread of contaminants in key areas.

However, he said the state's draft order would require much more action by the lab, which he said was way behind other DOE sites in assessing soil and groundwater contamination risks.

"Unlike other DOE sites, groundwater [at Los Alamos] has not been characterized to any great degree," Bearzi told The Energy Daily in an interview Thursday. "It was only a few years ago that the lab denied categorically that there was any connection between [surface waste discharges] and groundwater contamination."

Bearzi noted that in the mid-1990s the lab went so far as to request a waiver from groundwater monitoring requirements, contending that there was no possibility of contamination going from the surface to aquifers.

"When they finally started putting [groundwater monitoring] wells in, with the first well they put in they found contamination," he said. Bearzi said the lab had now put in 10-15 wells, with many showing varying levels of high exp Losives, radionuclides, toxic solvents and other contaminants.

Bearzi said the lab's slow action on groundwater was particularly disturbing because some of the 18 canyons that run through the weapons site lead down to the nearby Rio Grande river.

"These canyons run all the way down to the Rio Grande, and in the history of lab operations, they just dumped things in the canyons," he said.

"They need to start chasing down contaminant plumes. Other DOE sites are way far ahead of Los Alamos in terms of looking at groundwater issues."

Altogether, the state's draft order calls for Los Alamos to look at more than 2,100 dump sites. While citing no specific contamination as posing a major threat, the order contains a long laundry list of operational discharges and disposal operations involving thousands of pounds of radioactive materials and toxic chemicals.

For example, in dozens of citations about waste dumping the order refers to:

- 40 million gallons of contaminated discharges to Material Disposal Area V at Los Alamos' Technical Area 21 from 1945 to 1961.

- Large volumes of radioactive, hazardous and mixed waste dumped in eight disposal pits and 108 shafts over 11.8 acres at Material Disposal Area C at Technical Area 50. "High activities of radionuclides, including tritium, and high concentrations of volatile organic compounds have been released from MDA C to the vadose zone," the state said.

- A recent investigation of sediments along the south fork of Acid Canyon near Los Alamos that found plutonium, strontium-90, cesium-137, americium-241, mercury, lead, silver, cadmium, chromium and polychlorinated biphenyls.