

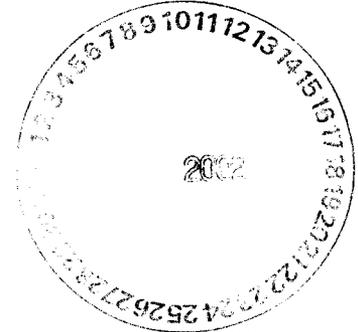
Permit

NNMCAB

Northern New Mexico Citizens' Advisory Board
A U.S. Department of Energy Site-Specific Advisory Board
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June 6, 2002

Mr. James Bearzi, Bureau Chief
Hazardous Waste & Radioactive Materials
New Mexico Environment Department
2905 Rodeo Park Dr., East Bldg. 1
Santa Fe, NM 87505



Dear Mr. Bearzi,

Enclosed you will find a declaratory Resolution from the Northern New Mexico Citizens' Advisory Board (NNMCAB). This resolution was adopted June 1, 2002, in Taos, New Mexico at our annual retreat and bimonthly Board meeting. The resolution constitutes the Board's position, collective opinion and "public comment" on the Draft Corrective Action Order your agency issued the Department of Energy and the University of California, operating Los Alamos National Laboratory.

The Resolution is clear and self-explanatory. The Board proposes no additional collective comments at this time. The Board eagerly anticipates your response to our Resolution and the public comments it presents. On behalf of the NNMCAB permit me to thank you now for the time and effort required to consider and to respond to our comments.

Sincerely,

A handwritten signature in cursive script that reads "James R. Brannon".

James R. Brannon, P.E.
Chairman, NNMCAB

Enclosure: a/s

CC: Governor Gary Johnson, State Capitol
Sen. Richard Martinez, Chair, Radioactive and Hazardous Materials Committee
Secretary Peter Maggiore, NMED
E. Dennis Martinez, Acting Director, OLASO
John Arthur, Director, Albuquerque Operations Office
Martha Crosland, EM 11, DOE HQ
Beverly Ramsey, Division Leader, RRES
Theodore Taylor, DDFO/OLASO
CAB File



16059

1 **A Resolution by the Northern New Mexico Citizens' Advisory Board**
2 **Regarding the New Mexico Environment Department's**
3 **Draft Corrective Action Order**
4

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6 Whereas the New Mexico Environment Department (NMED) has issued a Draft
7 Corrective Action Order to the Department of Energy (DOE) and the University of
8 California (UC) under the New Mexico Hazardous Waste Act; and,
9

10 Whereas the Draft Order asserts on Page 10, in Item No. 54 that "past and current
11 handling, storage, treatment, and disposal of solid waste and hazardous waste at the
12 LANL facility may present an imminent and substantial endangerment to human health
13 or the environment;" and,
14

15 Whereas the Draft Order lists investigation, cleanup, and corrective action requirements
16 at LANL, and includes a list of priority sites and a timetable for compliance; and,
17

18 Whereas the Northern New Mexico Citizens' Advisory Board (NNMCAB) is deeply
19 interested in the issues addressed in this Draft Order and was chartered to advise DOE on
20 these issues; and,
21

22 Whereas the experience of NNMCAB Members indicates that the public and other
23 stakeholders are also deeply interested and concerned; and,
24

25 Whereas the State of New Mexico implemented the Hazardous Waste Act in 1985, and in
26 view of the effort and funds expended, the public does not perceive that there has been
27 adequate cleanup progress since that time;
28

29 Now, therefore, the Northern New Mexico Citizens' Advisory Board resolves to affirm
30 that:
31

- 32 • The Board supports the intent of the NMED Draft Corrective Action Order.
- 33
- 34 • The Board believes that the cleanup of hazardous waste sites at the Los Alamos
35 National Laboratory, operated for the Department of Energy by the University of
36 California, has proceeded too slowly.
- 37
- 38 • The Board supports and applauds the following aspects of the order:
 - 39 ○ The Draft Order presents a comprehensive proposal for cleanup that
 - 40 addresses soil, surface water and ground water,
 - 41 ○ The Draft Order sets firm priorities for investigation of and, where
 - 42 appropriate, cleanup of groundwater, canyons, and Materials Disposal
 - 43 Areas (MDA),
 - 44 ○ The Draft Order adopts a firm schedule for cleanup actions, and
 - 45

- 1 ○ The Draft Order reaffirms NMED's adoption and use of the watershed
2 approach for investigations.
3

4 Furthermore, the Northern New Mexico Citizens' Advisory Board desires to assert to the
5 New Mexico Environment Department the following as Board comments on the Draft
6 Order:
7

8 The NNM CAB has observed constructive working relationships among DOE, LANL,
9 NMED, and the public in our committee meetings. These multi-entity discussions have
10 resulted in productive exchanges as evidenced by accelerated cleanup progress. We are
11 concerned that the tone of the Draft Order threatens to destroy this working relationship,
12 to the detriment of cleanup progress and public safety.
13

14 The NNM CAB recommends that DOE and NMED consider less confrontational paths to
15 achieve the same objectives, including a four-party agreement (UC/LANL, DOE, NMED
16 and EPA), inclusion of corrective action provisions in the RCRA Operating Permit, or
17 retaining the order in Draft form.
18

19 The NNM CAB stipulates that the following are of direct concern to the NNM CAB and
20 Stakeholders:
21

- 22 • Use of the term "imminent and substantial endangerment to human health or the
23 environment" by NMED has alarmed the public, justifiably or not. The Board
24 believes that it is incumbent upon NMED to provide the public in meetings and
25 notices with the exact nature and severity of this "endangerment." NMED should
26 define the term "imminent" in the phrase "imminent and substantial
27 endangerment," as the residents of northern New Mexico deserve to know
28 whether or not any adult or child is today truly in any kind of imminent danger
29 from release of chemicals into the accessible environment.
30
- 31 • The NNM CAB believes that LANL has already generated much of the
32 information required by NMED in this Draft Order. The NNM CAB urges NMED
33 to provide specific acknowledgement of work LANL has already accomplished
34 and that NMED has already accepted for each of the listed potentially
35 contaminated sites.
36
- 37 • The NNM CAB believes that the Draft Order should require that the generated
38 information be in an easily comprehensible form to allow more efficient NMED
39 review. Timely and convenient public access to this information must be
40 addressed in the Draft Order.
41
- 42 • The NNM CAB believes NMED is chronically understaffed. NNM CAB feels that
43 the Draft Order should be structured and prioritized in such a way as to reflect the
44 ability of NMED to provide proper oversight functions. The Draft Order should
45 make clear that duplication of investigations, sampling or reports is not required.
46

- 1 • Once this Draft Order is amended by incorporation of public comments and
2 issued as a Final Order, NNM CAB requests that the DOE actively and
3 aggressively obtain the funding and all other resources necessary to promptly
4 comply with the Final Order. NMED should not be a bottleneck in the execution
5 of this Draft Order. The NNM CAB urges the NMED to likewise secure the
6 funding and staff to adequately execute the provisions of the Final Order.
7
- 8 • The emphasis of the Draft Order is on investigation and reporting requirements.
9 The NNM CAB feels strongly that emphasis should be on actual cleanup on the
10 basis of the investigations already available. Furthermore, we are concerned that
11 the prescriptive reporting requirements may cost time and money better spent on
12 actual cleanup.
13

14 Adopted by the Northern New Mexico Citizens' Advisory Board (NNM CAB) in Annual
15 Retreat assembled in Taos, New Mexico, June 1, 2002.
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James R. Brannon, P.E.
Chairman, NNM CAB