

Permit

June 20, 2002

Ref: LANL Facility Order
James Bearzi, Chief Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East Bldg 1
Santa Fe NM 87505-6303



Dear Mr. Bearzi:

Reference: Los Alamos National Laboratory Facility Order

Thank you for the opportunity to comment on this Order. My understanding is that the Order is intended to stabilize DOE funding for the Environmental Restoration Project at the lab, to prioritize hazardous areas to be cleaned, and to accelerate the cleanup. I feel these are laudable goals. I feel that NMED's prioritization for cleanup—groundwater, watersheds, and Material Disposal Areas—is reasonable and appropriate.

I am sorry that NMED feels it necessary to issue this order. It is obvious that NMED put effort and resources into creating this Order. LANL is diverting significant resources and effort to respond. Both efforts divert from the actual cleanup funded and expected by the American people.

Here are my concerns. Please be advised that I worked in the lab's Environmental Restoration Project from 1989 until my retirement in 1997 and under part-time contract until 1999.

- I understand that the title *Determination of an Imminent and Substantial Endangerment to Health and the Environment* is legally necessary to initial this order and is interpreted loosely by the courts. However, it is interpreted literally by the public and by activist groups. I feel that the accusation is unjust to the lab and grossly misleading to the public. The text of Order does not acknowledge thirteen years of work. The Order does not acknowledge that the ER project has promptly cleaned areas that might actually pose a danger. Any grudging acknowledgments of prior work are hidden in obtuse text of this bulky document. In describing possibly hazardous areas, the Order contains list after list of hazardous material with no indication of the concentrations that may be actually moving in the environment and posing a thread to the public or the environment. The Order makes no attempt to accurately relay to the public how much its health truly is endangered.

I do not intend to be an apologist for the lab. I felt the ER Project was originally poorly conceived and administered, and their prioritization for cleanup was misguided. My concern here is with public perception and with the license that activist groups will take with the inflammatory tone of the Order. I feel these groups have noticeable hindered cleanup and squandered resources with their unreasonable demands. I feel it is irresponsible for NMED to abet their actions with exaggerated and misleading statements.

Therefore, I feel the final draft of this Order should have an executive summary or introduction that clearly states the extent of Imminent and Substantial Endangerment to Health and the Environment. The present text of the Order doesn't do it. I feel that it is incumbent on NMED to be open, clear, just, and accurate in publishing information intended for public use concerning health hazards at Los Alamos.



- The ER Project's current prioritization includes investigating and/or cleaning up sites scheduled for transfer to Los Alamos County or San Ildefonso. These transfers are important to both entities. The few transfer sites mentioned (the Airport and TA-21?) do not appear to have any special consideration in the prioritization schedule. No mention is made in the Order of inconsequential sites that should be certified for no further action before the transfers are made.

In general, I feel giving MDAs priority is laudable because they contain the most hazardous material. However, I don't understand how your schedule in Section XII can actually accelerate cleanup. It seems to be a continuation of the current SWMU-based incremental approach. I was given to understand that NMED has promoted consolidation of sites to expedite investigation and cleanup. I hope that NMED will pursue that laudable objective.

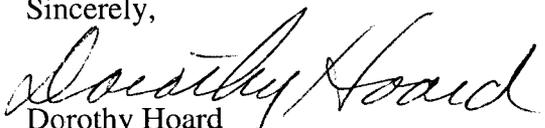
- During my ten years in the ER Project, NMED (and EPA before it) were major impediments to cleanup. Neither entity had the personnel to deal with the lab; neither knew what it needed, and both were unable to clearly communicate what they thought they wanted. One of my duties was as compiler of plans and reports. These were large documents that underwent extensive review. Many times, I was forced to rewrite reports in response to the latest regulatory whim. This is not a trivial exercise involving moving paragraphs, but major, time- and labor-intensive jobs. I feel that both a writer and a reviewer need a consistent format to efficiently perform their tasks. In looking through the format guidance in Section XI, it appears clumsy, with placeholders for much information that is irrelevant for individual reports. I believe it also deviates from the current format, which would require rewriting all reports currently in preparation.

This is just one example based on my experience. Another is the trivia demanded in response documents and demands for further information. I sincerely urge you to be aware of unnecessary burdens NMED imposes on the ER Project. For the sake of expedited cleanup, I sincerely urge NMED to be clear and efficient in their reporting demands. Please avoid nuisance demands such as explanations for obvious typographical errors.

- Finally, NMED has been clearly understaffed to deal with the lab all these years. In issuing this Order, NMED has an obligation to fulfill its regulatory duties toward the lab in a timely fashion. I trust that NMED has training and procedures in place to meet those obligations. I hope we can influence the new state administration that the goals are worthwhile and in the best interests of the citizens of New Mexico. I hope the administration provides NMED with the necessary resources to finish the job.

I feel this Order is being issued in good faith with the stated goals as its only objective. Because the deed is done and the Order is out, I sincerely hope it succeeds in its objectives.

Sincerely,



Dorothy Hoard
11 los Arboles
Los Alamos, NM 87544