

# State, LANL reach cleanup deal

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► *Public has 30  
days to comment*

By **DIANA HEIL**  
The New Mexican

If everything goes as planned, Los Alamos National Laboratory will clean up all of its hazardous waste by 2015 or face fines and lawsuits.

"All of the historical contamination that has been there since the 1940s will be eliminated," said Charlie de Saillan, an attorney with the New Mexico Environment Department. The estimated cost is \$760 million, according to the lab.

Negotiators with the Environment Department and the U.S. Department of Energy spent nearly two years drafting this agreement. At the outset, the federal government challenged New Mexico's order for investigation and cleanup at LANL.

Finally, on Wednesday, the state released a revised proposed Order of Consent, which requires studies and remediation of groundwater, soil and sediments at the lab. The public has 30 days to comment on the document. The proposal does not cover radioactive waste, however.

At the earliest, the agreement could go into effect in November. That depends on revisions based on public comment, plus the signatures of DOE and the University of California, which runs the lab.

But there's one more "monkey in the wrench," as Jay Coghlan of Nuclear Watch of New Mexico, an environmental group, sees it. Ron Curry, secretary of the state Environment Department, said he won't sign the order unless DOE and the U.S. Environmental Protection Agency give New Mexico authority



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## LANL

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Permit

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over surface water in a separate agreement.

"Surface water cleanup and monitoring are a key piece of this holistic LANL cleanup," Curry said. "As such, I will not sign the final order until this surface water agreement is completed."

New Mexico is one of a few states without jurisdiction over surface water, Coghlan said.

If the Order of Consent comes to pass, it will replace an old system for addressing hazardous waste. For decades, the Environment Department has wanted LANL to clean up its mess. But past efforts haven't been forceful enough, according to de Saillan.

Currently, the state works through the "extremely vague" corrective-action section of LANL's hazardous-waste permit.

Under the order of consent, the state instead would tell LANL what to do to properly investigate and contain waste — with a set of deadlines. The specific language would make it easier to enforce, de Saillan said. "We're not leaving it to them (LANL) to sort of make it up as they go along."

Lab director Pete Nanos expressed support for the agreement Wednesday.

"As a demonstrable measure of the laboratory's good faith, we have been meeting the required timetables of the order on consent and using the required processes, even while negotiations continued in 2003 and 2004 to reach final agreement," lab spokeswoman Linn Tytler said.

The Environment Department said 1,900 solid-waste sites must be cleaned up. But Tytler said that figure should be lowered to roughly 750 sites.

Some sites are under DOE jurisdiction only, she explained. Moreover, "we have received official notice of 'no further action required' from the U.S. Environmental Protection Agency at more than 700 of those sites," she said.

Environmentalists looking for tangible cleanup tasks in the order say they can find little more than requests for studies. "No one knows where and what is buried up at Los Alamos," Environment Department spokesman Jon Goldstein explained. "So

## Public comment welcome

The New Mexico Environment Department will tell the public about its proposal for making Los Alamos National Laboratory clean up hazardous waste by 2015. The meeting will be from 7 to 9 p.m. Wednesday at the Cities of Gold Hotel in Pojoaque.

A 30-day public comment period on the proposal starts now and ends Oct. 1. To have your comments considered by the New Mexico Environment Department, you must include your name and address and make sure the department receives your letter or e-mail by 5 p.m. Oct. 1.

Send comments to: James Bearzi, Hazardous Waste Bureau Chief, New Mexico Environment Department, 2905 Rodeo Park Drive East, Building 1, Santa Fe, N.M., 87505-6303.

Or send e-mail to: hazardous\_waste\_comment@nmenv.state.nm.us

To view the proposal and other documents between 8 a.m. and 5 p.m. weekdays, visit the New Mexico Environment Department Hazardous Waste Bureau, or Los Alamos National Lab Community Relations Reading Room, 1619 Central Ave., in Los Alamos.

Visit [www.nmenv.state.nm.us/HWB/lanlperm.html](http://www.nmenv.state.nm.us/HWB/lanlperm.html).

investigation needs to come before we can choose the best way to clean up."

After studies on the waste, the options for cleanup will be brought before the public for comment. Then the Environment Department secretary must approve the lab's plans for getting it accomplished. "Under the law, it's enforceable in a court of law," Goldstein said.

Environmental groups have mixed reviews on the proposal. Coghlan said it contains victories for the Environment Department. Contaminants, as defined in the order, include explosives, perchlorate, hazardous waste and hazardous constituents. Also, DOE and UC agreed to provide data on radioactive contamination to the Environment Department.

"We're strongly in favor of this ... order and really salute the Environment Department for having the guts and sticking it out," he said on behalf of Nuclear Watch of New Mexico.

On the other hand, Greg

Mello of the Los Alamos Study Group blasted it. "Well, it's a dog. There's no actual cleanup orders. The closest we come is the groundwater cleanup."

He searched for a definition of cleanup. "They could just sit there and watch it," he said.

Mello said the order gives New Mexico "a lot more control over the investigation process." But he questioned the need for more studies since DOE basically knows which sites are most important to clean up.

"If Hercules felt he needed to count the piles of dung in the Augean stables, he would have neither counted them successfully nor cleaned up the stable," Mello said. "In the real world, as in the fable, you just have to start digging. You count as you go."

How much of a threat lab waste poses to New Mexicans is hotly contested. The state believes it has proved that LANL's hazardous waste "may be an imminent and substantial endangerment to health or the environment."

But DOE and the University of California disagree, noting the state bases endangerment on the presence of soil and groundwater contamination alone.

Arguments fly back and forth for pages as agencies debated the proposed consent order.

"A threat to groundwater is particularly serious in New Mexico, an arid state that relies heavily on its groundwater resources," the Environment Department retorted. "Approximately 90 percent of New Mexico's population uses groundwater for its drinking water."

Besides serving Los Alamos, White Rock and Banderlier National Monument, the regional aquifer beneath the LANL facility connects with the aquifer that serves the city of Santa Fe.

In e-mailed comments Wednesday, Tytler stressed that contaminants in the aquifer present no immediate risk to human health. "The fact is, drinking water in the Los Alamos area has not been adversely impacted by laboratory actions," she said. "All drinking water produced by the Los Alamos County water-supply system meets federal and state drinking-water requirements."