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## Hundreds of Hostages

Militants Wearing Bombs Storm School in Russia

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## Bryant's Case Dismissed;

Lakers Star Offers Apology

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# Order Gives Lab 11 Years To Clean Up

## Water Oversight Still a Hang-Up

BY ADAM RANKIN  
*Journal Staff Writer*

Los Alamos National Laboratory will have 11 years to complete a "fence-to-fence" environmental cleanup and could face stiff penalties of up to \$3,000 a day for non-

compliance, all enforceable by the state, if a draft corrective action order becomes final.

The 271-page document was released on Wednesday for a 30-day public comment period.

Unless the state, the Department of Energy and the Environmental Protection Agency are able to work out a short-term agreement on the oversight and monitoring of surface water contamination at the weapons laboratory, the entire

cleanup order, which took more than two years to hammer out through closed-door negotiations, could be in jeopardy.

"I will not sign the final order until this surface water agreement is completed," state Environment Department chief Ron Curry said in a statement released with the order. "Surface water cleanup and monitoring are a key piece of this holistic LANL cleanup."

New Mexico is one of only five

states that do not have authority to govern or regulate surface water contamination within their own borders. Instead, it is handled by officials at the EPA Region 6 offices in Dallas. The state has been working toward gaining full authority to regulate surface water, but doesn't expect to achieve primacy until 2006.

State officials argue that an interim agreement — called a Federal Facility Compliance Agree-

ment — between the state, DOE and EPA that governs surface water monitoring at LANL is needed to protect New Mexico's waters.

NMED Hazardous Waste Bureau chief James Bearzi said failing to get such an agreement could "sink" the cleanup order, but he said the state has a commitment from EPA to get the agreement in place.

"I think the likelihood of that is

See **COMMENTS** on **PAGE 2**



**CURRY: Hold-**  
ing out for  
agreement



# Comments Sought on Lab Cleanup Order

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pretty good, especially now that everything else is in place," NMED spokesman Jon Goldstein said.

Curry said the 60 years of legacy waste at LANL and the ensuing cleanup effort is a perfect example of why the state needs to gain the authority to regulate surface water quality.

"If we had surface water primacy today, we wouldn't need this side agreement," he said.

The order itself is a dense document that lays out responsibilities and legal recourse for each of the parties involved —

## If you go

**WHAT:** Public comment on LANL cleanup order

**WHEN:** 7-9 p.m. Wednesday

**WHERE:** Cities of Gold Hotel in Pojoaque

DOE, LANL, NMED and the University of California, which operates LANL.

LANL spokeswoman Linn Tytler said the laboratory has been meeting the required timetables of the order since 2003 and now has about 750 "solid waste management units" to remediate.

A primary reason for the two-year fight between the state and DOE was due to the state's attempt to regulate through the order radionuclide waste, which DOE argued is beyond state jurisdiction. Negotiations eliminated all state-mandated requirements to deal with such waste in the current draft order, because DOE has agreed to provide monitoring data voluntarily.

However, Bearzi said the state reserves the right to compel DOE and LANL to provide radionuclide information through legal means, should they fail to do so voluntarily.

Jay Coghlan, executive direc-

tor of Nuclear Watch of New Mexico, sees DOE and LANL's concession to voluntarily provide radionuclide data as a "big win" for the state.

"On the downside, this is not cleanup; I hope it leads to cleanup," he said.

Greg Mello, director of the laboratory watchdog organization the Los Alamos Study Group, is more pessimistic about the state's order and its ability to enforce cleanup.

"The only potentially firm cleanup requirement that I see is the ground-water cleanup... in Chapter Eight," but the standards are vague and there are no explicit cleanup milestones,

he said.

He said the state could have accomplished nearly everything through the laboratory's state-issued operating permit, and with more authority and public involvement.

"Which is a big loss for the democratic process and a big loss for the power of the state as a whole... it would make every citizen a potential inspector," he said.

Bearzi said the state doesn't see it that way and that the order does put a firm date — 2015 — on cleanup.

"The state believes the consent order covers compounds beyond the scope of the (oper-

ating permit)," including perchlorate, nitrates and high explosives, he said. The permit also would not have allowed the state to establish fines, as does in the order, he said.

"We believe the enforceability of this consent order is much more expeditious and gives the state a stronger stance than the permit," Bearzi said.

NMED's Goldstein also noted that aside from the public comment period for the draft consent order, the public will have separate opportunities to comment on every site-specific cleanup remedy proposed.

## Water, Tax Hike Suggested

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federal grants, along with contributions from the county and the high-end subdivision Las Campanas, to pay for the diver-

## Cook Finds Stolen Art

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Eric Johnson said Wednesday that detectives don't believe Lyon had anything to do with the painting's theft.

But they interviewed him extensively because "we have to verify his story, how he came into possession of a stolen item," Johnson said.

One arrest was on a charge of cruelty to animals out of Sandoval County. Information on the other warrant was unavailable late Wednesday.

Despite the problems the painting has caused him, Lyon said he doesn't regret returning it to the gallery.

"It doesn't belong sitting out in the woods," he said.

\$20,000 in jewelry, including diamonds, sapphires and rubies, also was stolen.

Johnson said the painting's frame has been taken to the state Department of Public Safety crime lab. The frame and the garbage bags it was wrapped in will be examined for fingerprints.

Lyon said he doesn't think

## Mine Foes Seeking Governor's Help

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Española businessman Richard Cook mined his half of the mountain that abutted state land.

Among the group's complaints is that the mining is hurting their quality of life and creating hazards in their com-

failed to follow its own rules and regulations in awarding it.

But the Land Office has countered that Lyons was well within his rights to award the contract, and that if there were any problems with the contract, they were minor.

District Judge James Hall on Friday found that mining oppo-