



Kieling, John, NMENV

From: Catherine Juarez [catherinejuarez@msn.com]
Sent: Sunday, April 04, 2010 9:34 PM
To: Kieling, John, NMENV
Subject: Private Citizen comments on the LANL Draft Hazardous Waste Permit
Attachments: C.Juarez comments.pdf; China_Lake_FS_Permit_Mod_1207.pdf

Mr. Kieling,

I respectfully submit the attached pdf for consideration to allow the OB treatment activities at LANL. Also attached is the China Lake fact sheet that I mentioned in my comments.

Thank you,
Catherine Juarez



April 4, 2010

Mr. Kieling,

I am writing as a private citizen with regards to the LANL RCRA Hazardous Waste Permit.

I am in support of the Open Burning (OB) operation in which NMED has issued a Notice of Intent to Deny. After reading numerous articles regarding OB operations, I am confident that the current operations at the LANL OB units do not impact human health and the environment. The risk assessment showed that there is negligible effect to all species except a low hazard to deer mice and earthworms. Since dioxins and furans (the major point of contention) are bioaccumulation toxins, you would think that the endangered species of the Mexican Spotted Owl would have seen major impacts. This is not so, in fact within the last 5 years, there is a new nesting pair of Mexican Spotted Owls on LANL property. If the OB operations have not affected a federally protected species, why would NMED have concern for a deer mouse that spreads the hantavirus disease that sickens far more individuals than the OB operations have shown through the risk assessment to cause harm?

The OB operations that are conducted at LANL have major impacts on our troops currently fighting in the Iraq and Afghanistan wars. I personally have family that are and have fought in both wars. The stories they tell regarding improvised explosive devices (IEDs) and how they have killed hundreds of their comrades is heartbreaking and has scarred their hearts and minds. The research and training at LANL that is being conducted in support of homeland security and counterterrorism is vital to the protection of our troops. More than half of the New Mexicans killed in the Iraq and Afghanistan wars have been casualties of IEDs. Why would NMED deny the OB research that has and is saving lives for the sake of a deer mouse? I am sure if you asked the families of our fallen soldiers which they would choose, the saving of a "potential low hazard" effect to deer mice, or research that is safe, compliant and could have positive impacts regarding IEDs and terrorism, they would choose to implore you to keep the OB technology.

LANL treatment processes at the OB units use clean burning propane as fuel. The temperature generated by the propane is more than sufficient to destroy the dioxins and furans that can be generated as a result of the presence of chlorine compounds that are present in some of the explosive wastes.

The state of California, which has the strictest environmental laws in the nation, has recently issued an OB permit to China Lake Naval Air Weapons Station. The amount of waste they are allowed to treat by OB is 5,475,000 pounds. LANL has significantly reduced their request for the amount they are allowed to treat and have conducted significant waste minimization activities regarding the missions that generate wastes in support of homeland security and counterterrorism. LANL is not asking to treat million

of pounds of reactive wastes by OB, but thousands of pounds. I am attaching a copy of the Fact Sheet for China Lake for your perusal.

NMED cites that LANL can ship offsite all wastes generated in support of the homeland security and counter terrorism programs to be treated elsewhere. This is not true. The wastes that can be treated offsite are shipped safely and compliantly to other facilities for treatment while protecting human health and the environment.

DOT regulations specifically prohibit the shipping of certain explosives (reactive wastes) on public roadways. Those are the wastes that LANL safely and compliantly treats prior to further characterization and disposal.

Although I know NMED takes public participation into account for issues regarding human health and the environment, 1400 signatures mostly in a form letter format does not seem to warrant as much attention as perhaps 1400 petition signatures individually written and submitted by each commenter.

I ask that NMED rethink their decision to deny the OB permit for LANL. I am sure the families of our fallen soldiers, if made aware of this issue, would gather and support the LANL mission to research ways to protect our troops in time of war so no other families have to go through the heartache of losing a son or daughter because the mission at LANL was shut down due to concerns over saving a deer mouse.

Respectfully,

Catherine Juarez
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Rio Rancho, NM 87144



Department of
Toxic Substances
Control

*Preventing
environmental
damage from
hazardous waste,
and restoring
contaminated
sites for all
Californians.*



State of California



California
Environmental
Protection Agency

Fact Sheet, December 2007

Permit Modification and Draft Environmental Impact Report for China Lake Naval Air Weapons Station

A proposed permit modification that would add hazardous waste treatment units at the China Lake Naval Air Weapons Station is open for public review and comment.

The Modification (called a Class 3 Hazardous Waste Facility Permit Modification) will be open for review starting December 18, 2007 and ending February 15, 2008. The application for this modification was requested by China Lake, which has a permit for storage of hazardous waste in containment buildings and tanks. If granted by the Department of Toxic Substances Control (DTSC), the modification would add treatment units, allowing China Lake to continue to treat reactive hazardous wastes. These wastes include high and low order explosives, propellants, outdated munitions, and laboratory waste contaminated with energetic materials through Open Burning and Open Detonation, or OB/OD. China Lake currently operates the OB/OD units under Interim Status, which allows them to conduct OB/OD treatments only until DTSC makes a decision on the modification application. If DTSC approves the modification, it would allow China Lake to increase the amount of hazardous waste they can treat by OB/OD each year.

DTSC is also announcing the availability of the draft Environmental Impact Report (EIR) for public review and comment. The draft EIR details how the environment could be impacted as a result of approval of the modification. We encourage you to review the draft EIR and modification, which can be found at the information repositories listed on page 4 of this fact sheet.

PUBLIC COMMENT PERIOD December 18, 2007 to February 15, 2008

DTSC invites you to review and comment on the Permit Modification request and the draft EIR for China Lake. The 60-day public comment period opens December 18, 2007 and closes on February 15, 2008. Please mail written comments to: **Beverly Rikala, DTSC Project Manager, 8800 Cal Center Drive, Sacramento, California 95826**. Comments must be postmarked by February 15, 2008. Comments can also be emailed to: BRikala@dtsc.ca.gov and should be received by 5 p.m. on February 15, 2008.

At this time no public hearing on the draft EIR and Permit Modification request has been scheduled. However, if a written or emailed request for a hearing is received, DTSC will consider scheduling a public hearing. Please send your written hearing request to **Beverly Rikala** or **Marcus Simpson** at the addresses listed on page 4 of this fact sheet by February 15, 2008.

Additional information about this project can also be found at the following website: http://www.dtsc.ca.gov/OMF/Projects/China_Lake.cfm



Background and Location

China Lake is 150 miles northeast of Los Angeles in the Northern Mojave Desert, and operates as a research, development, test, and evaluation (RDT&E) facility for weapons systems. The base covers 1.1 million acres and is mostly surrounded by Bureau of Land Management land. The nearest city to China Lake is Ridgecrest. China Lake lies within three counties: Kern, Inyo, and San Bernardino, and is made up of two major areas, the North Range and the South Range.

The research, development, and testing of weapons at the base can create hazardous waste that is reactive, such as laboratory waste from the formulation of new explosives and propellants, munitions items that have undergone testing that change their original properties, or outdated ammunition and munition items. This waste must be safely treated so it will not pose an explosive safety hazard. When the waste is unsafe to store or transport due to the reactive and explosive nature of it, China Lake's Explosive Ordnance Disposal Personnel treat it by burning it in an elevated burn pan, or by detonating it directly on the ground. The OB/OD area is where the waste is treated, and it is located in a remote area on the North Range known as Burro Canyon, which lies in Inyo County. OD is the preferred method of treatment and is almost always used. OB is limited to the treatment of reactive waste items, such as bulk propellants. OD can be used for treating all reactive waste items, but must be used for waste items such as cased munition items and trash contaminated with energetics. The site of the proposed project is identified on a list of hazardous materials sites, referenced under section 65962.5 of the Government Code.



Pan used for Open Burn Treatments



Burro Canyon Open Burn/Open Detonation Area



Damaged Military Munitions and Contaminated Laboratory Waste Prepared for Open Detonation

Details of the Class 3 Permit Modification Request

If DTSC approves the Permit Modification request China Lake will be able to continue using OB/OD to treat hazardous waste. Under the permit conditions OD treatments **will not** be allowed during overcast conditions, when thunderstorms are within five miles of the treatment units, or during high static conditions. OB treatments will not be allowed during high wind conditions.

Approval of the Permit Modification request would mean that China Lake will be able to significantly increase the annual quantities they are able to treat. Under Interim Status China Lake is allowed to treat 300,000 pounds of energetic waste annually. If approved, the modified permit will allow them to treat up to 5,475,000 pounds annually depending on the type of waste.

To determine the health risks associated with the project, a Human Health Risk Assessment was conducted. The types and amounts of hazardous wastes that are treated, as well as the donor charges used to initiate them, will be limited so that the cancer risk associated with the OB/OD treatments for anyone residing or working within or outside of the facility boundaries will not exceed one in a million. In addition, OB/OD treatments will have a hazard index equal to, or below, 1.0. This means that residents and non-military workers will be safe from immediate and long term non-cancer related adverse health effects from the OB/OD treatments. The health effects associated with 5,475,000 annual pounds allowed in the Modified Permit is within these health limitations.

China Lake's OB/OD treatments must be in compliance with local, state, and federal standards for noise. To determine the noise impacts, a Noise Analysis Report was completed, which indicates that the surrounding community and environment outside of the facility boundaries will not be significantly impacted by noise from OB/OD activities.

China Lake will be required to monitor and keep track of the public health risks and environmental impacts caused by OB/OD treatments, and would be allowed to conduct an average of one OB/OD event per day. Under the conditions of

the permit, China Lake would only be allowed to treat reactive hazardous waste generated onsite.

China Lake can accumulate reactive hazardous waste for only up to 90 days. Because transporting the waste off-site is potentially dangerous and no other alternative methods for treatment exist at this time, it is critical that China Lake be able to treat the reactive waste generated by their RDT&E mission at their on-site facility. If China Lake is unable to do onsite treatment of the reactive waste, it will be extremely difficult for them to complete their mission as a RDT&E facility, and would increase the potential danger from storing the reactive waste.

Details of the Draft Environmental Impact Report

California Environmental Quality Act (CEQA) guidelines require that DTSC conduct a review to determine which environmental resources may be affected if the Permit Modification is approved. These environmental resources include air quality, animal life, plant life, and geology and soils. DTSC has conducted the review, and documented the findings in the draft EIR. The draft EIR also discusses the risks to public health and the potential impact that noise and vibration from OB/OD activities could have on the environment.

The draft EIR finds that the impacts the proposed Permit Modification would have on air quality, animal and plant life, geology and soils, and public health are less than significant. In addition, the OB/OD area is located within Desert Tortoise habitat. The Desert Tortoise is a protected species, and precautions will be taken to avoid harming them and to minimize the loss of their habitat.

Noise and vibration levels in the OB/OD area would significantly increase due to OB/OD activities. At certain times of the year, noise and vibration impacts may effect how often the OB/OD units can be operated. However, due to the remoteness of Burro Canyon, noise and vibration will only impact facility personnel and property in the immediate vicinity of the OB/OD area. Furthermore, the Permit Modification would require that any public complaints related to noise and vibration reported to China Lake, must be reported to DTSC.

The draft EIR also details several other environmental resources DTSC determined will not be significantly impacted by the Permit Modification project. These include surface and groundwater, cultural resources, such as artifacts and burial remains, agricultural resources, and land use and planning.

Next Steps

DTSC encourages you to review and comment on the Class 3 Hazardous Waste Facility Permit Modification and the draft EIR, which are available at the information repositories listed on this fact sheet. The Human Health Risk Assessment, Noise Analysis Report, and other supporting documents are also available for public review. DTSC will provide a Response to Comments to all of those who submit comments. The Response to Comments will also be included in the administrative file. DTSC will consider all comments received during the public comment period before making a final decision on the Permit Modification application. You may submit your comments in writing, or by email to:

Department of Toxic Substances Control
Beverly Rikala, Project Manager
8800 Cal Center Drive
Sacramento, California 95826
brikala@dtsc.ca.gov

Written comments must be received postmarked by February 15, 2008. Emailed comments must be received by 5:00 p.m. on that same day.

Information Repositories

The Permit Modification and draft EIR are available for review at:

Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826
Call (916) 255-3758 to make an appointment

Ridgecrest Branch of the Kern County Library
131 East Las Flores Avenue
Ridgecrest, California 93555
(760) 375-7666

Online at: www.dtsc.ca.gov/OMF/Projects/China_Lake.cfm

For More Information

If you would like to learn more about this site, or if you have questions about the Permit Modification application and draft EIR, please contact:

Beverly Rikala
DTSC Project Manager
8800 Cal Center Drive
Sacramento, California 95826
(916) 255-3746
brikala@dtsc.ca.gov

For questions regarding public participation, please contact:

Marcus Simpson
DTSC Public Participation Specialist
8800 Cal Center Drive
Sacramento, California 95826
(916) 255-6683 or toll free at: 1-866-495-5651
msimpson@dtsc.ca.gov

For media related questions, please contact:

Jeanne Garcia
DTSC Public Information Officer
1011 N. Grandview Avenue
Glendale, California 91201
(818) 551-2176
jgarcia1@dtsc.ca.gov

Notice to Hearing Impaired Individuals

TDD users can obtain information about the project by using the California State Relay Service at (888) 877-5378. Please ask to speak with Beverly Rikala, Project Manager.

Anuncio

Si desea informacion en Espanol comuniquese con el: **Sr. Jesus Cruz, al (866) 495-5651 o (916) 255-3315.**