

TAOS



concerned citizens
for nuclear safety

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September 23, 2006

By Fax To: (505) 827-2836
and U.S. Mail

Secretary Ron Curry
New Mexico Environment Department
P.O. Box 26110
1190 St. Francis Drive, Suite #N4050
Santa Fe, NM 87502

Re: Notice of Violation for Los Alamos National Laboratory
EPA ID NM0890010515

Dear Secretary Curry,

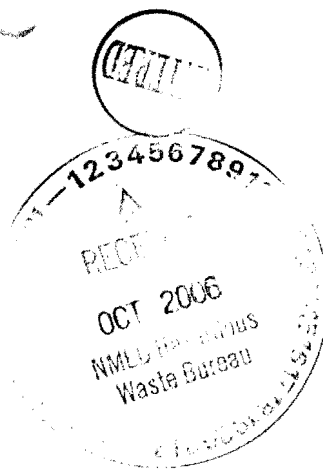
The New Mexico Environment Department (NMED) Hazardous Waste Bureau has taken an historical step by issuing the Notice of Violation (NOV) to the United States Department of Energy (DOE) and Los Alamos National Security (LANS), LLC for their failure to notify NMED about the chromium contamination in the regional well R-28 at Los Alamos National Laboratory (LANL). As our State's water quantity dwindles, water quality becomes increasingly important. Concerned Citizens for Nuclear Safety (CCNS) appreciates the efforts of NMED to hold DOE and LANS accountable. Thank you for taking a strong stand in defense of the people of New Mexico.

However, we are concerned the proposed fine will be reduced during any negotiation process. In order to protect public health and ensure safe drinking water now and in the future, we strongly encourage the Hazardous Waste Bureau to stand firm by the proposed NOV fine. CCNS considers the fine to be non-negotiable. It has been over nine months since LANL notified NMED about the elevated chromium levels in R-28 and we still do not know the direction of the contamination plume. Further, LANL knew about elevated chromium levels since January 2004 and did not report them to NMED for almost two years. In the meantime, the contamination levels doubled while the uncertainties about fast transport of the chromium to Los Alamos County drinking water wells continued to mount.

In the past, NMED and DOE/LANL negotiations have led to reduced fines. Such practices have contributed to repeated DOE/LANL

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violations. Historically, DOE/LANL's violations have always resulted in initially higher proposed fines. Yet these important first steps are rendered moot by the negotiation process. NMED has the opportunity to change this pattern with the new managers at LANL and have started off on the right foot by issuing such an extensive fine. The initial NOV means nothing if NMED's power to protect New Mexico is undermined during negotiations with DOE and LANS. The people of New Mexico cannot afford for such practices to continue. Now is the time to stand firm, enforce the law and change the careless and bad reporting habits that have hurt the public.

Thank you for your consideration of our request. Should you have any questions or comments, please contact me either by phone or email at jarends@nuclearactive.org at your earliest convenience.

Sincerely,



Joni Arends
Executive Director

cc: James Bearzi, Chief NMED Hazardous Waste Bureau
By Fax To: (505) 428-2567

September 24, 2006

By Fax To: (505) 827-2836

Secretary Ron Curry
New Mexico Environment Department
P.O. Box 26110
1190 St. Francis Drive, Suite #N4050
Santa Fe, NM 87502

Re: Notice of Violation for Los Alamos National Laboratory
EPA ID NM0890010515

Dear Secretary Curry,

The Loretto Community of Sisters and Comembers thanks the New Mexico Environment Department (NMED) Hazardous Waste Bureau for having the courage to stand up to the federal government in issuing the Notice of Violation (NOV) to the United States Department of Energy (DOE) and Los Alamos National Security (LANS), for their failure to notify NMED about the chromium contamination in the regional well R-28 at Los Alamos National Laboratory (LANL). As of this month, Sisters of Loretto have been serving the people of New Mexico for 154 years and we have fallen in love with the Land of Enchantment and its people. We appreciate the efforts of NMED to hold DOE and LANS accountable, because water quality becomes increasingly important as our State's water quantity dwindles. We thank you for taking a strong stand in defense of the people of this lovely state.

We understand that DOE and LANS may request negotiations. NMED and DOE/LANL negotiations have led to reduced fines in the past, and such practices have contributed to repeated DOE/LANL violations. We are therefore very concerned that this proposed fine would be reduced during any negotiation process. In order to protect public health and ensure safe drinking water now and in the future, we strongly encourage the Hazardous Waste Bureau to consider the fine to be non-negotiable and stand firm by the proposed NOV fine. LANL knew about elevated chromium levels since January 2004 and did not report them to NMED for almost two years. In the meantime, the contamination levels doubled while questions about fast transport of the chromium to Los Alamos County drinking water wells continued to plague the community. This is inexcusable and a strong message needs to be sent to prevent such violations of law in the future.

The NOV means nothing if NMED's power to protect New Mexico is undermined by the reduction or elimination of fines during negotiations. The people of New Mexico cannot afford for such practices to continue. Now is the time, with LANL's new management, to stand firm and enforce the law, to change LANL's tendency toward careless habits that have hurt the public.

Thank you for your consideration of our request to not negotiate the fine you imposed.

Sincerely,



Penelope Mc Mullen, SL
Loretto Community
113 Cam. Santiago
Santa Fe, NM 87501

cc: James Bearzi, Chief NMED Hazardous Waste Bureau
By Fax To: (505) 428-2567