Comment

16 ENTERED

LANL 16-388
TA-16 Open Burn Unit
Permit Modification Application
LANL Comment Period

Cobrain, Dave, NMENV

From: Jonathan Block <jblock@nmelc.org>
Sent: Wednesday, October 23, 2013 1:24 PM
To: Kieling, John, NMENV; Cobrain, Dave, NMENV; De Saillan, Charles, NMENV; Joni Arends; Chuck Montaño
Subject: Problem with open burn permit app TA 16-388

Hello John, Dave and Charlie:
Joanie and I have made an initial review of the permit application. There is some "problematic" information in it. What I mean is that it either borders on or crosses the line of material misrepresentation. At the initial "roll out" for the permit back in June, in their oral presentation, LANL people said they had "consulted" Ralph Hayes of Eldorado Engineering--as you may recall, CCNS's witness in the 2010 permit hearing. At that time Mr. Hayes described how LANL could choose to construct a completely contained facility to accomplish the treatment they want to undertake in the open air at TA-16-388.

Yesterday I spoke with Mr. Hayes for the first time. He denied ever hearing from anyone at LANL concerning the current permit app.

With that in mind, and having attended the public meeting at which the representation was made concerning consulting with his company, both Joanie and I went through the permit. What we found was the use of a photo taken from Mr' Hayes' Eldorado Engineering Website and the following statement concerning "due diligence":

==========

4.2.1 IDENTIFICATION OF CANDIDATE TECHNOLOGIES
In an effort to exercise due diligence in considering all possible alternatives, the Permittees sought to obtain information from all likely sources, including those focused more on demilitarization of waste munitions. Publicly available information was collected and reviewed from the national and global demilitarization communities, including from organizations such as the Defense Technical Information Center (DTIC, 2013), recent reviews of alternatives conducted by various Department of Defense (DoD) facilities and programs (see, for example, Naval Air Warfare Center Weapons Division (NAVAIR-WD, 2004); Global Demilitarization Symposium (JOCG 2010, 2011), Strategic Environmental Research and Development Program (ETSCP, 2006 and SERDP, 2013) and from private industry (Eldorado Engineering, 2013).

Page 404 in the PDF; page 17 in the subpart of Attachement E

Treatment Justification for Open Burning Waste Treatment
Activities at Technical Area 16
(TA-16-388 Flash Pad)
Revision 0
LA-UR-13-24180

==========

36115

"Due diligence" is not merely examining websites. That is what LANL did here. They went to Mr. Hayes' company website. They ripped off a photo they used and they mention his company in the above paragraph.

I hope that you will choose to question LANL concerning this representation. Does it apply to all of the organizations mentioned above? That is, does LANL's representation concerning due diligence mean that they looked at some websites? If so, they should be roundly criticized for characterizing this as "due diligence."

Furthermore, LANL also claims that Mr. Hayes' confined burn facilities require incinerator permits. This is also not correct--and one finds that information at Mr. Hayes' website. There we find the following statement about contained burn facilities he builds for national and international clients:

Contained burn facilities

Energetic wastes and small amounts of contaminated trash can be treated in an EDE-designed contained burn system. The system encloses the burning process and meters off-gases through pollution control equipment tailored to the waste stream. Waste can be fed in batches or continuously. Costs are modest and environmental permits are much simpler compared to incinerators and a wide variety of wastes and feed rates can be accommodated.

This is the opposite of the representation made in the permit concerning this alternative to open burning. I believe that the representations made in the permit application are false and misleading.

CCNS would like NMED raise these issues with LANL.

Thank you.

Jon

--
Jon Block
Staff Attorney
New Mexico Environmental Law Center
1405 Luisa Street, Ste. 5
Santa Fe, NM 87505
(505) 989-9022