

Office of Governor
Dennis P. Martinez



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Route 5, Box 315-A
Santa Fe, New Mexico 87501

July 18, 1989

Mr. Steve Slaten
U.S. EPA
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

SUBJECT: Comments on Proposed EPA Permit for Los Alamos

Dear Mr. Slaten:

The Pueblo de San Ildefonso is interested in the proposed permit for Los Alamos under RCRA and wishes that you would consider the attached comments before finalizing and issuing the permit.

As you are no doubt aware, the Pueblo de San Ildefonso is immediately adjacent to the land occupied by Los Alamos National Laboratory and is the area most likely to be affected by any problems or releases from the Laboratory. Therefore, I urge you to seriously consider our concerns and comments.

Sincerely,

Dennis P. Martinez
Dennis P. Martinez
Governor



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Osba
Permit

July 13, 1989

COMMENTS BY THE SAN ILDEFONSO PUEBLO ("SIP")
ON PROPOSED ENVIRONMENTAL PROTECTION AGENCY ("EPA")
PERMIT FOR LOS ALAMOS NATIONAL LABORATORY ("LANL")

The following comments have been prepared in the brief time the proposed permit has been available to the San Ildefonso Pueblo (SIP). If we discover additional concerns or comments we will forward them to you immediately.

General Comments:

1. The proposed permit involves many years of elapsed time and numerous reports which will be prepared for the EPA. The Permit calls for informing the public but makes no provision for the detail or quality of information or how this is to be funded. We are concerned because the activities under this Permit will span the administrations of numerous SIP governors and will require large resource and time commitments to track and assess the impact on SIP. Bureau of Indian Affairs ("BIA") should be funded by the LANL to perform such an on-going assessment and the funding should be made a condition of the permit. Otherwise, SIP should be funded to support its own tracking and assessment of the reported results.
2. There need to be provisions in the Permit for notification of SIP in cases of releases or actions related to this Permit. SIP only became aware of the existence of this permit by accident and was not provided an early opportunity to comment. This does not indicate the free flow of information that we feel is necessitated by the type of operations covered under this permit.
3. There is a general lack of description of the impact or penalty for non-compliance with the various sections of the permit. For assurance, in the eyes of concerned citizens such as SIP, that the enforcement will be credible and effective, there needs to be both a yardstick for measurement of compliance and a penalty for non-compliance.

Comments specific to permit:

Page 2. Section B Subsection 1 (b)

" the proposed method of treatment, storage, or disposal [of hazardous waste or hazardous constituents] is that method currently available to the Permittee which minimizes the present and future threat to human health and the environment."

Due to the extreme toxicity of the materials handled by LANL, special requirements such as double containment of storage tanks should be required to ensure minimization of threat to human health and the environment. In other words more attention should be given to prevention.

Page 2. Section B Subsection 4

".. Within 15 calender days of discovery, notify the Administrative Authority of any release of any hazardous waste or hazardous constituent..."

A more appropriate requirement, as far as SIP is concerned, would be immediate notification in the case of airborne releases and notification within 24 hours of liquid or solid releases including steps taken to remedy the problem. This would act to reduce exposure time thereby reducing health effects. Also, immediate notification to a representative of the San Idelfonso Pueblo is needed so that they may take appropriate steps.

Page 7. Monitoring of Surface and Groundwater

"Extensive monitoring of surface and groundwater is now conducted and documented annually by the Permittee's Environmental Surveillance Program"

EPA will review this program and plans to modify this plan if warranted. However, quarterly reports are needed for the special monitoring requirements addressed in the Permit (not now covered by the Annual Environmental Report of LANL) and should be made available for review by the Bureau of Indian Affairs and/or a represetative of the San Idefonso Pueblo.

Page 12. Section G. Notification Requirements For Newly Discovered Releases

Again, a requirement for notification within 15 days is provided for releases of hazardous waste into the environment, which is too long in most cases and makes no mention to what steps have been taken to remedy the problem.

Page 13 Section H. RCRA Facility Investigation

Time allotment for preliminary reporting is 180 days. However, the Task/Site Workplans will not be 100% completed for 8 years.

This time frame is excessive. Determining the nature and extent of the problem does not alleviate the problem, but merely defines the problem. In addition, LANL should take advantage of previous work done in these areas to shorten the time required for the identification and work plan phase.

Page 35 Section D. Implementation of Interim Measures

Reports should also be given to the Bureau of Indian Affairs and/or SIP.

Page 37 Section C. Health and Safety Plan

It is not clear how this differs from Health and Safety Plans that should already be in place at LANL.

Page 38 Section D. Community Relations Plan

This section lacks specificity and could be met by issuing only superficial reports. It is a concern that SIP needs to be informed in a manner that is useful and meaningful to the SIP and not just in numerical data required by the permit.

Page 42-43 Section C. Contamination Characteristics

No mention is made of means of controlling movement of a liquid plume.

Page 46 Section C. Draft and Final

The final reports should also be made available to the BIA and SIP.

Page 58. Task IX. Reports

Progress reports should be given to the Bureau of Indian Affairs and SIP.



JOSEPH CALABAZA
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