



8550



Elaine Giovando holds up her arm as she waits to ask a question at Monday's hearing. Joyce Laeser, lawyer for the U.S. Department of Energy, is in the foreground.

Public Fights Back Over Incinerator

*Journal North
7/19/89*

By Ben Neary

JOURNAL STAFF WRITER

A state hearing on a Los Alamos National Laboratory waste incinerator resumes today after a daylong hearing Tuesday on waste-handling at the lab left many in an audience of 200 frustrated and dissatisfied.

The U.S. Department of Energy is applying for state approval for all its hazardous-waste operations at the lab. However, the discussion Tuesday centered around the federal agency's plan to operate an incinerator at the lab to reduce the bulk of dangerous chemical and radioactive waste.

Many in the audience wanted to talk about radioactive waste. But C. Kelley Crossman, supervisor of the state's hazardous waste bureau, spent most of the

day trying to explain in person — and through his lawyer — why the state isn't considering whether it's safe to burn radioactive material in the incinerator.

Crossman emphasized the state presently has legal authority from the federal government to consider only whether the incinerator meets federal standards for burning non-radioactive chemicals — or what regulations call simply hazardous waste.

The state lacks the legal authority to address whether the incinerator is safe to burn radioactive waste, he said.

After the state acts on the DOE's hazardous waste application, the U.S. Environmental Protection Agency intends to give



NEIL JACOBS / JOURNAL

Priscilla Logan, a Santa Fe teacher, expresses her concerns with the U.S. Department of Energy's hazardous waste-management plan at a hearing Monday.

MORE: See PUBLIC on PAGE 3

Public Fighting Back Over Waste Incinerator

CONTINUED FROM PAGE 1

the state authority to consider another class of debris called "mixed waste," which is combined chemical and radioactive waste, Crossman said. However, the EPA will consider the strictly radioactive portion of the incinerator plan on its own.

Officials from the EPA office in Dallas will present their plan for huge cleanup of contaminated waste sites at the lab.

Steve Slaten, an EPA official at Tuesday's hearing, said Los Alamos National Laboratory is one of the Department of Energy's top 10 worst waste sites in the country. He said over 600 individual dumps have been identified so far and said the total cost for cleanup at Los Alamos could reach between \$1.6 billion and \$2 billion.

Slaten said it will take about eight years to investigate all the waste sites at Los Alamos and get federal approval to go ahead with cleanup work.

He said the sites involve radioactive waste, chemicals and other substances.

Much of the public comment Monday centered on whether the energy department is trying to pull a fast one by splitting responsibility for the incinerator project between state and federal watchdog agencies. Many in the crowd insisted in addressing the radiological portion of the incinerator plan — despite the fact the state doesn't have legal authority to consider it.

The audience's mood of distrust was heightened by the EID's meetig agenda, which showed that DOE officials did not intend to testify on their own application. The agenda called for DOE officials to cross-examine statements from audience members or by EID officials, but did not allow the public to cross-examine written statements the DOE proposed to submit to the hearing record.

Howard Shulman of Santa Fe, a member of the Concerned Citizens for Nuclear Safety group, questioned why the DOE was exempt from questioning.

Gini Nelson, a lawyer for the state Health and Environment Department who coached Crossman on many of his answers, responded the DOE has the same rights as a member of the public

unless the agency testified, she said, it wasn't subject to cross-examination.

Shulman responded, "They are a weapons research facility; they are not a part of the public."

Hearing officer Walt Youngblood, deputy director of the Public Health Division of state's Health and Environment Department, asked for a showing of how many people in the audience of perhaps 200 wanted an opportunity to cross-examine the lab. After most people in the room stood up, he estimated for the record that 90 percent of the audience wanted the lab to respond.

The DOE didn't submit its comments on Monday. The hearing is scheduled to reconvene at 8:30 a.m. today at the Harold Runnels Building auditorium in Santa Fe.

DOE lawyer Joyce Laeser said the agency decided not to testify because, "We've been working with the EID for a long time and we really have nothing to add." She also said the permit application is so broad that it would require the DOE to have dozens of experts on hand.

Youngblood said the purpose of Monday's hearing was to prepare a record of discussion so Richard Mitzelfelt, state EID director, can decide later whether to give final approval to the project.

Priscilla Logan, a Santa Fe teacher, responded, "One person? Not a board?" She asked whether the process was intended to be democratic or autocratic and said she wanted the hearing expanded to consider all aspects of the incinerator, "since we all have real questions, real doubt and mistrust of the DOE."

David Bates of Taos questioned how the state will verify information the DOE provides about the incinerator. Crossman replied that the state intends to inspect the incinerator once a year and has the option to do other verification sampling.

Tom Rutherford of Albuquerque, a Democratic state senator, mentioned recent federal investigations into energy department practices in Colorado and elsewhere. He told Crossman, "If for no other reason than that you don't have the budget to keep an eye on the DOE, given their past criminal acts, then that alone should be sufficient to..."