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Subject: NMED Assesses \$960,000 Penalty to LANL following Lab's Refusal to Agree to State Requirements to Monitor for Radioactive Contaminants in Watersheds
Attachments: G Demand Letter 11-23-09.pdf



Bill Richardson
Governor

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NMED Assesses \$960,000 Penalty to LANL following Lab's Refusal to Agree to State Requirements to Monitor for Radioactive Contaminants in Watersheds
LANL Must Monitor Groundwater to Protect Residents from Lab Pollution

(Santa Fe, NM) – The New Mexico Environment Department today assessed a penalty of \$960,000 to Los Alamos National Laboratory for its continued failure to install a groundwater monitoring network and provide adequate groundwater monitoring data for the laboratory's main waste management area, Technical Area 54.

The department determined that the lab has not complied with the terms of the historic fence-to-fence cleanup order with the state (a demand letter to LANL is attached).

"I am extremely disappointed that the laboratory would rather pay penalties or fight legal battles than do the right thing and install the monitoring system that the city, county and state have asked for repeatedly," said New Mexico Environment Department Secretary Ron Curry. "This is not about the money; it is about the laboratory being held accountable. Reliable groundwater and surface water monitoring networks are critical in determining whether or not hazardous pollution from Area G and other waste sites are reaching our precious groundwater and the Rio Grande. I share the grave concerns expressed by many New Mexicans over the environmental impacts of LANL's legacy, especially on local water projects such as the Buckman Direct Diversion. This penalty should serve as call to action for the lab to wake up, clean up and live up to the environmental promises it has made to New Mexico."

The cleanup order specifies how monitoring will be conducted in order to safely clean up contaminated lab areas, including TA-54's Area G, the Laboratory's active radioactive waste dump. The department



assessed \$291,000 in penalties to the lab in January for the same violation. LANL has not paid that fine or corrected that deficiency.

The groundwater monitoring subject to today's assessment is a key component of the cleanup of Area G – the lab's only active and largest unlined dump site. The state has repeatedly notified the LANL that groundwater monitoring is crucial to protecting New Mexicans from dangerous lab contaminants and that LANL's failure to monitor those contaminants prevents the selection of a cleanup plan for Area G and other waste sites.

NMED, the City of Santa Fe, Santa Fe County, and the Buckman Direct Diversion Board, have repeatedly requested that the lab develop a robust monitoring network capable of gauging the performance of a final cleanup plan for Area G and other waste sites at TA-54. Such monitoring is vital to the long-term viability and safety of communities downstream of LANL that will be drawing water for drinking from the Rio Grande and the underground aquifers. The lab and the U.S. Department of Energy have refused to submit to enforceable state-required monitoring for radionuclides, such as plutonium, in lab watersheds.

"The Laboratory and DOE have shown time and time again that they will not comply with an agreement unless the state has the power to enforce the terms of the agreement against them," Secretary Curry said. "This case is an excellent example of why DOE self-regulation of dangerous radioactive pollution does not work. We may be forced to seek a separate enforcement action against DOE and the laboratory operator, especially given the potential impacts on downstream communities and the threat to human health and the environment."

The state, the laboratory operator, and DOE signed the fence to fence clean up order in March 2005. That order includes enforceable milestones and stipulated penalties for noncompliance, leading to clean up of all legacy waste sites at the lab by 2015. This is the seventh time the state has penalized the lab under the order. LANL has also not yet paid a \$1.87 million fine issued to it in May for failing to properly plug and abandon a well that has leaked contamination downward toward the drinking water aquifer.

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