

# Local Nuclear Watchdog Delivers 900 Cans of Food

## Protest Against Lab's Dump Feeds Needy

*Journal Staff Report*

Just in time for Thanksgiving, a local nuclear watchdog group delivered an additional 900 cans of food to the governor's office Wednesday — part of the group's effort to end nuclear waste dumping at Los

Alamos National Laboratory. Gov. Gary Johnson's staff said the cans of vegetables, pork and beans and other edibles would be delivered to the Food Depot, which provides meals for the needy — after the cans' outer labels are removed and a list of names of people who signed the cans is made.

The cans are wrapped in labels designed to make the cans look like drums of nuclear waste. Also, each label is a letter signed by people

who bought the cans for \$3 each. The letters ask the governor to shut down the lab's nuclear waste dump, known as Area G.

Several weeks ago, members of the Los Alamos Study Group carted a batch of 1,000 of the cans to Johnson's office on the state Capitol's fourth floor.

"We're making sure we get the labels this time," Greg Lewis, director of the state Environment

Department's Water and Waste Management Division, said as the cans were delivered Wednesday.

The study group contends the government is required to place on mailing lists for public comment opportunities the names of the people who signed the can labels. The label letters ask that the signees be placed on such mailing lists, and the study group said failure by the state to make a list of the names would be a violation of the Federal Resource

Conservation and Recovery Act

Greg Mello, of the study group previously complained that the state violated the law when it failed to collect names from the first batch of cans.

Lewis said Wednesday that the previous batch of LASG "radioactive waste" labels since have been recovered from the Food Depot and the signees names were recorded.

The lab contends its waste dump

is safe. Critics have maintained that no one really knows what's buried at the dump or what the radioactive garbage will do to the environment.

Also Wednesday, the study group and seven other public-interest groups delivered a letter to state Environment Department Secretary Pete Maggione urging him to hold public hearings on the department's cleanup plans for the Los Alamos lab in 2002.

# Milestone at LANL

Last of 17,000 barrels of radioactive waste dug up and secured; project under budget and years early

12-20-01

By JEFF TOLLEFSON  
The New Mexican

Los Alamos National Laboratory has uncovered and secured the last of more than 17,000 barrels of transuranic waste that had been buried under mounds of dirt for up to 25 years. Ultimately, the waste is destined for the Waste Isolation Pilot Plant in Carlsbad.

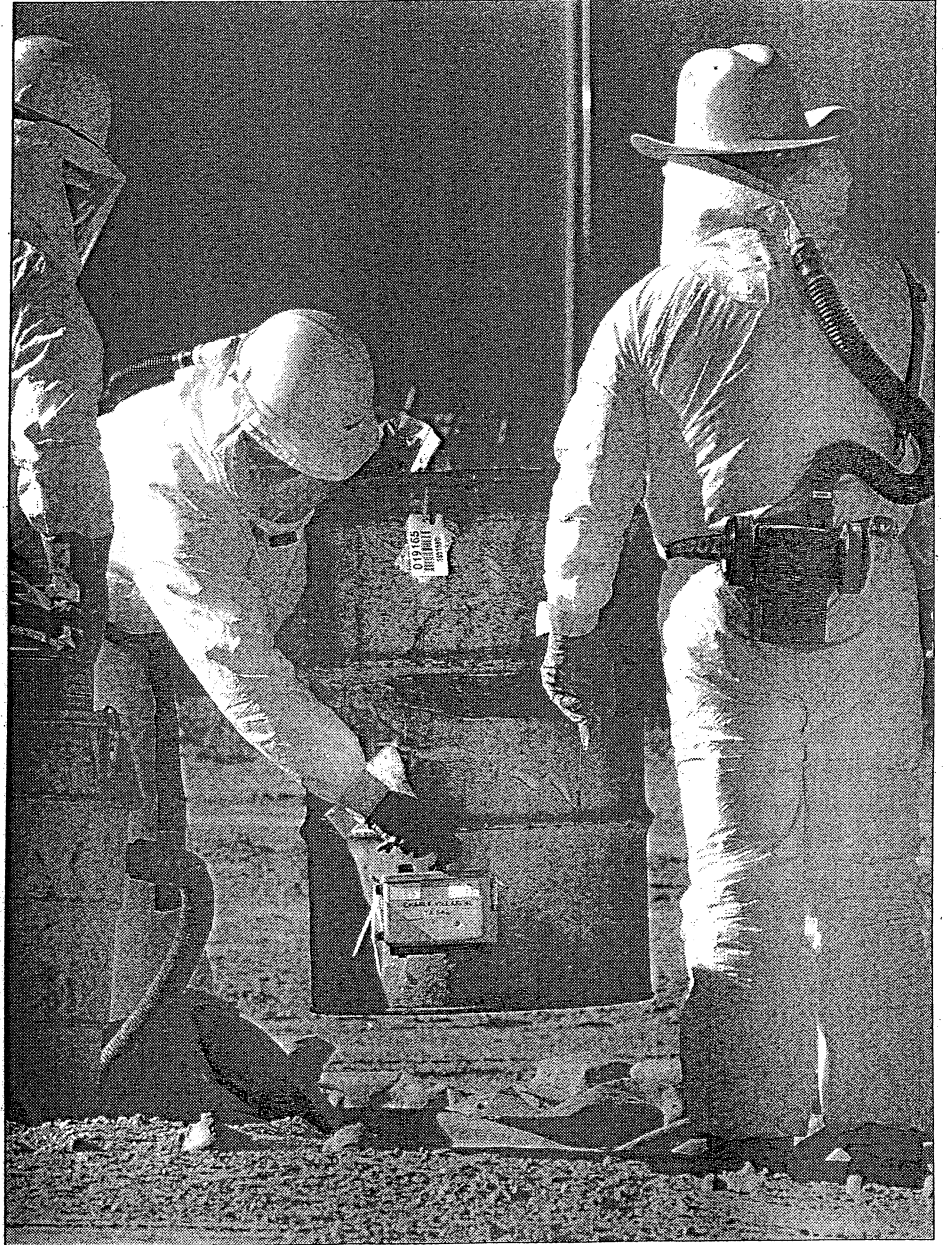
The project came in two years ahead of schedule and \$13 million under the initial budget projection of \$50 million. Project manager Gilbert Montoya called the accomplishment a "milestone." No radiation was released into the environment, he said. All workers came in well below the allowable annual worker-exposure limits, and the only reportable injury in six years was a sprained calf muscle, he added.

"That's quite a success," Montoya said Wednesday.

Lab officials celebrated the project's completion with a demonstration of the removal process at Area G. Workers in protective gear inspected and removed the last 55-gallon drum, which was under a tarp in the middle of an excavated asphalt pad. The drums, as well as about 200 fiberglass-covered boxes, are now stored in secure tent facilities, where they can be inspected regularly until shipment to WIPP.

The waste consists of everything from gloves and toolboxes to sludge that was solidified in concrete. The waste generally stems from nuclear-weapons research.

Beginning in 1970, when the Atomic Energy Commission ordered that transuranic waste be secured for ultimate disposal at WIPP, the laboratory began burying the waste underground for later retrieval. The drums were



Clyde Mueller/The New Mexican

Gilbert Yazzie, left, watches Rob Ruby, center, as he uses a radiological-survey instrument Wednesday afternoon to check the last 55-gallon container at the Los Alamos National Laboratory transuranic-waste-storage area. At right is Charlie Thorne.

stacked on three asphalt pads, separated by pallets and covered with a liner and dirt. Prior to that, all of the laboratory's solid radioactive waste was permanently buried in shallow pits — as is still the practice with low-level waste.

In 1992, however, laboratory waste handlers found

some corrosion when they inspected a series of the drums, according to lab spokesman James Rickman. He said the New Mexico Environment Department subsequently ordered the laboratory to remove the waste from the dirt-covered pads so it could be monitored more carefully

until shipment to WIPP.

A crew of about 25 people began digging up the first pad about six years ago, using a fabric dome to ensure that no radiation would escape into the environment. The laboratory discovered the drums were,

Please see LANL, Page B-4

# LANL

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Continued from Page B-1

for the most part, in good shape, so the dome was not used on the other two pads, Montoya said. He noted the last pad contained 7,300 drums and required only a year to complete.

Overall, about 30 percent of the barrels were placed inside 85 gallon "overpack" drums to ensure the contamination would remain secure, Montoya said, explaining that the

lab was conservative. Corrosion had not yet eaten holes in most of those, he added.

"We actually have drums that are in pretty good shape, for the most part," Montoya said, crediting a rust inhibitor that was sprayed on the drums prior to burial. "When and if we ever run into contamination, which we have, we are able to treat it" and continue operations "within an hour."

The announcement got a warm-but-cautious approval

from one of the laboratory's critics.

"The DOE deserves a round of applause for digging up those drums, which would rust and become irretrievable if they were left there indefinitely," said Greg Mello, executive director of the Los Alamos Study Group.

Nonetheless, he noted the lab continues to bury low-level waste that is nonetheless radioactive. Moreover, he said, the laboratory isn't digging up

transuranic waste that was buried prior to 1970 — in containers that are likely to corrode just like those unearthed during the current process.

"The earlier trenches and shafts might merit close attention as candidates for removal and encapsulation or deeper disposal," Mello said. "Right now, they are just covered with 3 feet of sand in an unlined pit. ... It's a WIPP site, basically, without any of the protections of WIPP."

## ENVIRONMENT

# Groups object to Area G

◆ *Los Alamos Study Group leads protest against LANL waste storage site* 1/15/02

### Monitor Staff Report

A group of New Mexico organizations plans to deliver a letter Wednesday morning to New Mexico Environment Department Secretary Pete Maggiore, requesting him to close Los Alamos National Laboratory's Area G, a news release said.

Area G, in Technical Area 54, historically has been used for hazardous wastes, including chemicals and radioactive material.

The environmental organizations, including the Los Alamos Study Group, have urged closure of the site. Their most recent effort involved delivering "letter-cans" to Gov. Gary Johnson. The letters were delivered on cans of food designed to look like small waste drums. The cans of food subsequently were delivered to the Food Depot to provide food for poor people.

According to the information provided by the study group, the New Mexico Attorney General's office requested closure of this site on July 12, 2001, with no response from environment officials. NMED opened a public comment period Dec. 21 on the most recent version of the cleanup plan for Area G. The documents for comment are available at the Hazardous Waste Bureau web site. More

information is available at [www.lasg.org](http://www.lasg.org).

The 27 environmental organizations sending the letter are concerned that hazardous materials from the waste disposal site are infiltrating the ground water and being distributed through wind erosion.

They state that no serious closure plan has ever been submitted for Area G and that no public hearings have ever been held on the future of the site. The letter being delivered to Maggiore describes Area G as "a sort of unpermitted 'WIPP site.'"

LASG states that LANL began the application process for permitting its existing and planned hazardous waste disposal sites on Mesita del Buey 21 years ago. The permitting process was never completed, the study group says, although interim status was granted and continued for five years, even though the EPA and NMED implemented enforcement actions during this time.

LASG states that Area G should have been closed years ago based on environmental regulations and lack of a permit. A closure plan would, by law, include protections for citizens and the environment, including commitments to long-term monitoring, financial assurance, and creation of an accurate waste inventory. Closure options range from long-term containment in place to removal of some or all of the waste.

# Groups Want LANL's Nuke Dump Closed

1/6/02  
BY JENNIFER MCKEE  
Journal Staff Writer

Los Alamos National Laboratory has been operating an illegal hazardous waste dump for 20 years, and the New Mexico Environment Department has let the lab get away with it, according to a cadre of New Mexico environmental groups.

Some 27 lab watchdog, environmental and political groups delivered a letter to state Environment Department Secretary Pete Maggiore Tuesday morning, asking Maggiore to close the lab's existing nuclear

waste dump, a facility that also holds almost 30 years worth of non-nuclear hazardous waste.

Greg Lewis, director of the Environment Department's Water and Waste Management Division, said the department generally agrees with the groups' account of the dump and is looking at options for dealing with the landfill.

"They've made credible arguments," Lewis said. "We're giving them our full consideration and are in the throes of addressing it."

He said the department expects to release several doc-

uments this spring dealing with the laboratory's hazardous waste dumping permit and a plan for cleaning up the lab.

Los Alamos lab representatives did not return phone calls seeking comment.

The environmental groups' letter contends that the site known as "Area G," where Los Alamos lab now disposes of nuclear waste, has been in violation of the Resource Conservation and Recovery Act since 1985. Area G opened as the lab's centralized nuclear and hazardous waste dump in 1957. Back then, there were no laws

covering the disposal of hazardous waste and no laws specifying that very radioactive waste must be stored in a special repository, as there are now.

According to the letter, the laboratory dumped a wide variety of wastes in the shallow pits and deep shafts at Area G, including what would now be categorized as hazardous waste, like solvents or dangerous chemicals. The lab also dumped what is now considered transuranic waste and

See STATE on PAGE 3

## State Asked To Shut Dump

from PAGE 1

must currently be disposed at the Waste Isolation Pilot Project. Transuranic waste refers to any waste containing metals heavier than uranium. Some such wastes can appear relatively mundane, like metal tools used to manipulate plutonium that became contaminated as a result.

Greg Mello of the Los Alamos Study Group, who principally authored the letter, said that in 1980 the Resource Conservation and Recovery Act, or RCRA, went into effect. That law said that any hazardous waste dumps had to be licensed and any such dump that closed had to be cleaned up or capped to keep the waste from escaping.

Nuclear waste is managed under a different law and is enforced by the federal government, not state environment departments.

Because Los Alamos had been disposing of chemical waste at Area G, Mello said, the lab applied for a hazardous waste permit in 1980.

The lab acquired an "interim status" to run such a dump and Los Alamos began operating an official, permitted dump, pending the state's formal issuance of a permit, Mello said.

In 1984, more stringent rules came into effect, and the laboratory decided to "get out of the hazardous waste business," Mello said. At that point, the lab still had not received a permanent permit. It withdrew its hazardous waste permit application in 1985 and began shipping such waste elsewhere.

But the lab had, between 1980 and 1985, operated a hazardous waste dump under RCRA. When such a dump closes, according to that law, it must either be cleaned up or stabilized, Mello said. In the lab's case, neither happened.

Mello and the other groups now say that the state Environment Department had an obligation to force the lab to clean up or close Area G in 1985.

Mello wants more than just the hazardous waste cleaned up at Area G; he said NMED must force Los Alamos lab to clean up all of Area G and close it, as the laboratory included all of the site in its original hazardous waste application.

But the area is now, and has been since 1957, the lab's only disposal area for transuranic waste.

That situation, along with the fact that states have no jurisdiction over nuclear waste, including the nuclear waste dumped at Area G, has complicated the Environment Department's response to the situation, Lewis said.

Questions like: "Can the Environment Department legally close a nuclear waste dump it does not have the authority to regulate?" have been forwarded to the department's legal team, Lewis said.

The department has not ignored the dump, he said, and he expects NMED's latest RCRA permit for Los Alamos will address Area G and the hazardous waste there.

A draft of the permit, which will likely be unveiled with a public hearing this spring, is expected in the coming months, Lewis said.

[www.santafenewmexican.com](http://www.santafenewmexican.com)

## Activists call for nuke-dump closure

► Attorney general's office says facility should have closed years ago

By JEFF TOLLEFSON  
The New Mexican

Twenty-seven activist groups on Tuesday called for the closure of the nuclear-waste dump at Los Alamos National Laboratory. The groups cited an earlier letter from the New Mexico attorney general's office indicating that the facility is out of compliance and should have been closed more than 16 years ago.

In a letter to New Mexico Environment Department Secretary Pete Maggiore, the Los Alamos Study Group and other organi-

zations argue that Area G was never properly permitted under the federal Resource Recovery and Conservation Act.

Enforced by the New Mexico Environment Department, the Act sets forth requirements for managing hazardous wastes, which were once deposited along with nuclear waste in Area G. Federal law addresses nuclear waste separately from hazardous waste.

"Secretary Maggiore, we are writing to respectfully remind you of your long standing obligation to close Area G to further nuclear-waste disposal and begin a process of selecting (clean-up) remedies

for the site," the groups wrote. Larger environmental groups like Forest Guardians and the Natural Resources Defense Council signed onto the letter with local organizations as El Rio Arriba Environmental Health Association.

The letter draws on comments by the Attorney General's office. LANL began the process of applying for a Resource Recovery and Conservation Act permit for Area G but withdrew its permit application in April 1985, according to a July 12 letter from the Attorney General's office.

Please see LANL, Page B-3

## LANL

Continued from Page B-1

to the Environment Department. Once the application was withdrawn, according to the letter, Area G and another waste disposal facility should have been closed using the process set forth in RCRA.

"However, to date they have been neither closed nor permitted," Assistant Attorney General Lindsay Lovejoy, Jr., wrote in a letter to James Bearzi, who heads up NMED's Hazardous Waste Bureau.

Los Alamos Study Group Executive Director Greg Mello said LANL and state regulators have essentially bypassed federal hazardous-waste law since 1985, continuing with business as usual.

"And none of this has ever had a public hearing, so it's kind of a regulatory house of cards," Mello said.

LANL spokesman James Rickman said the laboratory is addressing Area G in its current application for a general RCRA permit, which would cover hazardous-waste management at sites throughout the laboratory. In the meantime, he said, the laboratory continues to use Area G for permanent storage of low-level radioactive waste, including certain less-active plutonium.

Rickman said the laboratory has been operating with full permission from the state environment department. "We are under what is called interim status, which allows us to continue operations out there."

Greg Lewis, director of the Water and Waste Management Division for the state, also said Area G will be addressed in the upcoming RCRA permit. He said the permit will establish how hazardous materials will — or won't — be handled throughout the laboratory for nearly a

**Los Alamos Study Group Executive Director Greg Mello said LANL and state regulators have essentially bypassed federal hazardous waste law since 1985, continuing with business as usual.**

decade.

Additionally, the state also is developing a "corrective action order" that will lay the groundwork for how hazardous-waste contamination is characterized and eventually cleaned up at the laboratory. That document will address Area G as well, Lewis said, noting that he can't discuss the documents in detail until they are released in the coming months.

Lewis declined to comment specifically on the legality of Area G. He noted, however, that both the Attorney General and the activist groups have made "credible arguments" on the issue. Those arguments will be considered in the development of both the corrective action order and the RCRA permit, he said.

"We are looking at all of this happening within the next five to six months," Lewis said, stressing that both documents will be available for public review. "We are genuinely interested in getting input on this."

Public participation is required under

hazardous-waste laws and is a major theme in assistant Attorney General's letter to the environment department. According to the letter, NMED generally has not opened up its own review processes regarding hazardous-waste permits and cleanup to public scrutiny.

"What particularly strikes us about this situation is that opportunities for public participation in determining the remedies for historical contamination have been almost nonexistent," Lovejoy wrote.

In an interview Tuesday, Lovejoy stressed that RCRA requires that the state develop a future closure plan for Area G, regardless of whether nuclear-waste operations continue. NMED is working to address the Attorney General's concerns about Area G in the current permit process, he said.

"It's a loose end. It's a very loose end," Lovejoy said. "They are aware of it, and they are going to be dealing with it, and we are going to be watching how that happens."

The Los Alamos Study Group is organizing a public rally at 4:30 on Monday in the Capitol rotunda. Outreach Director Lydia Clark said the groups invited environment department officials as well as a few legislators and the governor.

Monday is the last day to comment on an annual cleanup schedule the environment department is currently presenting for LANL. Lewis said the state has agreed to accept comments through Jan. 21 on the work schedule but does not feel the document warrants public hearings — despite requests from the Study Group.

For more information, see [www.nmenv.state.nm.us/hwb/pubnotice.html](http://www.nmenv.state.nm.us/hwb/pubnotice.html) or call NMED at (505) 827-2855.



# AG Threatens Action Over LANL Dump

■ Madrid awaiting decision by state Environment Department

BY JENNIFER MCKEE  
Journal Staff Writer

1/22/02

If the Environment Department doesn't deal with a hazardous waste dump at Los Alamos National Laboratory to her satisfaction, Attorney General Patricia Madrid said she may take the matter to court.

But Madrid left unsaid just what she hoped the Environment Department would do with the dump — close it, clean it up or some yet-to-be-announced third option.

"I'm not ready to make any decisions right now," she said.

In the absence of a satisfactory approach, "we will pursue legal avenues," Madrid said at a rally Monday afternoon in the Roundhouse rotunda. The Los Alamos Study Group, one of 27 organizations that last week called on state Environment Department Secretary Pete Maggiore to



HERE ARE THE FIGURES: Greg Mello of the Los Alamos Study Group lets numbers do the talking at the Roundhouse on Monday during a rally against continued operation of a hazardous waste dump at Los Alamos National Laboratory.

JOSH STEPHENSON  
JOURNAL

close the dump, called the rally.

The 27 groups say the dump, full of nuclear and hazardous waste, should have been closed almost 20 years ago, when the weapons lab stopped dumping hazardous waste at the site but never cleaned it up.

The laboratory currently continues dumping nuclear waste, an activity beyond state regulation, at the site.

Madrid said she is content to wait on the

See AG THREATENS on PAGE 2

## AG Threatens Action Over LANL Dump

from PAGE 1

Environment Department as it prepares to renew a hazardous waste dumping permit for the lab she hopes will address the old landfill.

Asked if anything less than closing the dump and cleaning it up would satisfy the Attorney General's Office, Assistant Attorney General Lindsay Lovejoy said he wouldn't discuss "hypotheticals."

At issue is a 45-year-old hazardous and nuclear waste dump called Area G at Los Alamos lab. The dump opened in 1957, before any federal laws governed the disposal of dangerous waste, both chemical and radioactive. In 1980, however, with passage of the federal Resource Conservation and Recovery Act, all hazardous waste dump operators were forced to obtain permits and prepare for cleaning up the dumps when they closed.

Los Alamos lab duly applied for a permit to operate Area G under RCRA. The lab received an interim permit in 1980 and continued dumping at the site until 1985, when the lab withdrew its permit and started shipping its hazardous waste elsewhere.

But the lab had operated a permitted hazardous waste dump for five years, from 1980 to 1985. And under the law, once a dump closes, it must either be cleaned up or stabilized so

wastes don't leak out of the area, said Greg Mello, of the Los Alamos Study Group.

"In the lab's case, neither of those happened," Mello said at the rally.

The Attorney General's Office seems to agree.

Last summer, Lovejoy sent a letter to the Environment Department's Hazardous Waste Bureau pointing out that the dump was "out of regulatory compliance," Lovejoy said.

The Los Alamos lab still disposes of some hazardous waste, although not at Area G, and still holds a RCRA permit from the state. The Environment Department is in the process of issuing the lab its latest such permit.

Environment Department Secretary Pete Maggiore, also at Monday's rally, said he expects the department to announce details of the permit within a month. He said he would not discuss any of the ways the department will deal with the landfill until then.

Mello was not pleased and said he doesn't see how the Environment Department can satisfy the law with more meetings.

"We are losing sight of the importance of following the law in favor of more touchy-feely bureaucratic meetings that accomplish nothing," he said. "That's how we got in this mess."

L.A. Mendon 3/11/02

## Area G panel discussion

The Pajarito Group of the Sierra Club will hold a discussion about Area G at 7 p.m. Wednesday in the upstairs meeting rooms at Mesa Public Library.

Los Alamos Study Group asked the Pajarito Group of the Sierra Club to endorse a petition to close Area G (the nuclear hot dump) at Los Alamos National Laboratory. Because of the complex issues, both scientific and political, however, the local group decided to schedule a panel that will address the operation and potential closure of Area G. Panel members participating will be Ray Hahn from the lab's Solid Waste Operations; Merlin Wheeler, a retired hydrologist and environmental scientist; Greg Mello from the Los Alamos Study Group; and James Bearzi, Hazardous Waste Bureau, New Mexico Environmental Department.



# Area G forum draws a crowd

By ROGER SNODGRASS  
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Monitor Assistant Editor

3/7/02

It was hot and stuffy on the second floor of Mesa Public Library Wednesday night as a hundred people or so filled every chair and spilled into the hallway to hear a debate on Area G.

The meeting hosted by the Pajarito Chapter of the Sierra Club was supposed to provide direction for the local environmental organization's stance on the state's cleanup politics at Los Alamos National Laboratory.

Greg Mello, director of the Los Alamos Study Group, using a fusillade of overhead projections, argued that the laboratory continued to store too much of the wrong kind of waste in Area G without a proper permit. Despite objections, he said, the lab is making plans to expand its waste production and waste storage under risky conditions and dubious assumptions into the distant future.

Lee McAtee, acting director of the division of environment, safety and health at the laboratory said LANL supports the public dialogue on such issues of mutual interest. He noted that the Pajarito Chapter's call for the meeting had appropriately emphasized the complex technical and political issues involved in the current debate, as well as the complex regulatory issues at stake.

Representing the complex regulatory issues was James Bearzi of the New Mexico Environment Department's Hazardous Waste Bureau.

Bearzi acknowledged the issues are "exceedingly complex," but described his role as a balancing act between difficult alternatives.

"It's more than symbolic that I'm standing here between these two fine gentlemen this evening," he said, with McAtee on one side and Mello on the other.

"We cannot be so cavalier as to say, 'Stop now,'" he said, not-

Please see **AREA G**, 3

## AREA G Forum draws a crowd

### From Page 1

ing that it was his bureau's role "to tell the regulatory community what to do if they're wrong and tell them to fix it," as well as to listen to what the public has to say. Bearzi assured the audience that whatever the outcome, when the environment department arrives at a draft permit statement for Technical Area 54, in which Area G is located, that "there will be many opportunities for the public to weigh in."

The study group found backing for its claims last year, when the New Mexico Attorney General's office wrote to Bearzi in July pointing out legal discrepancies in the department's handling of several material disposal areas (MDAs), which were required to close after the withdrawal of permit requests and the loss of interim status dating back to 1985.

The group has pressed its claims by organizing a "can-

paign" which gathered petitions, raised money, and delivered to the governor's office some 2,000 food cans relabeled to look like miniature hazardous waste containers.

Another panelist, Merlin Wheeler, a retired hydrologist who once worked at Area G, urged the Pajarito Chapter to stick to the facts of the matter, and not to fall prey to a strategy he perceived in the study group's literature of using the question of Area G as a weapon to fight against the existence of the laboratory.

"Is that a good place or not?" he asked, refocusing the debate on what he considered the essential issue to be decided by facts and not be negative. After opening statements, the panel took questions from a fairly polarized audience.

A number of questions appeared to be more like statements, as was the case of a

man from Santa Fe who read from a book by Lewis Mumford on the "coma" state of contemporary society.

Another man wanted to know if Area G was sufficiently shielded from "particle beams" or "photon cannon hits," or the lab's own "linear beam weapon." "No," answered McAtee. "There are no shields of the aboveground storage from photon beams."

Susan Dayton, a woman from Albuquerque, read a letter condemning the Pajarito Chapter for its divergence from the rest of the Sierra Club in supporting the laboratory's proposal for building a new laboratory for research on biological agents, before asking McAtee how the lab could be reducing waste if it was going to be producing plutonium pits.

McAtee distinguished between current practices that have reduced waste products

across the laboratory, from the old wastes and the old ways of handling them.

"What is safe and what is safe enough?" he asked. "Yes, there are contaminants [from legacy wastes]. They are miniscule and trivial. That doesn't make it right. From the perspective of environmental stewardship, it concerns me that the lab creates any waste at all."

Mello pointed out that risk is not merely a quantitative value to be measured in millirems per day of radiation exposure, but also has a qualitative aspect. A voluntary risk willingly accepted by a person is not the same as "involuntary risks that are imposed upon us by others," he said.

As a warm-up for a lively controversy that is likely to grow throughout the year, the Pajarito Chapter's forum, if nothing else, proved that the public is intensely interested and the topic will draw a crowd.

# Closure of LANL Nuke Dump Debated

## Activists Demand Cleanup of Area

BY JENNIFER MCKEE  
*Journal Staff Writer*

LOS ALAMOS — Frustration fomented at a forum here Monday night for discussion of the possible closure of Los Alamos National Laboratory's nuclear waste dump.

Activists carrying "Downstream Screamers" signs packed the small room at the Mesa Public Library,

matched in number only by a large contingent of Los Alamos lab scientists and state officials. The audience watched representatives of the lab, the state Environment Department and a Santa Fe activist group discuss the legal and environmental implications of closing the 45-year-old dump known by its lab designation as Technical Area 54, Area G.

The Los Alamos Study Group believes that the dump, currently the lab's only low-level nuclear waste dis-

posal area, is violating the Resource Conservation and Recovery Act, a 1976 law governing the disposal of hazardous waste. Greg Mello of the Study Group said that shortly after that law passed, the lab, which had been dumping a variety of wastes at the site, including hazardous chemical waste, applied for a permit from the state to continue dumping hazardous waste there.

That request, however, was only an interim measure. Before the lab was ever

granted long-term permission to operate Area G as a hazardous waste dump, lab officials decided to take the waste elsewhere and withdraw their permit application. Since then, Los Alamos lab has only disposed of nuclear waste at the site, which is not governed by state law.

No matter, Mello said, the mere fact that the lab did apply for a permit and operated on an interim permit as a hazardous waste dump means that the Resource Conserva-

tion and Recovery Act was enacted. The act stipulates that once a permitted hazardous waste site closes, it must be cleaned up. That never happened in this case.

The state Attorney General's Office has made the same argument, although the office has not pushed to close the site. But it has alerted the Environment Department about the situation.

To that effect, James Bearzi, head of the department's Hazardous Waste

Bureau, was also at the forum. Bearzi said the Environment Department will deal with the situation when it issues a different permit to the lab this spring.

Bearzi said he wasn't sure exactly how the department would handle the problem. He said after the meeting, however, that the NMED is working closely with the Attorney General's Office, and the two departments were not in disagreement on what should be done about the dump.