



Los Alamos Study Group

Nuclear Disarmament • Environmental Protection • Social Justice • Economic Sustainability

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Comment Period Closes on Los Alamos Cleanup – Will Environment Department Honor 3,500 Prior Requests for Hearings, Halt to Dumping?

Johnson Administration Promised Hearings; Will Richardson NMED Follow Through?

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One month ago today, the Department of Energy (DOE), New Mexico Environment Department (NMED), and University of California (UC) – the owner and operating contractor, respectively, of the Los Alamos National Laboratory (LANL) – released their joint proposed Consent Order (Order) governing all investigation and cleanup responsibilities for sites at LANL contaminated with hazardous wastes. The 271-page document, negotiated in secret between the agencies over the past two years, can be found at <http://www.nmenv.state.nm.us/hwb/lanl/>.

Today is the final day for public comment on this document, which if adopted will govern all aspects of environmental remediation at LANL for the coming decade, after which DOE's cleanup responsibilities are to dwindle, according to the proposed Order.

Over the past 4 years, more than 3,500 individuals, many businesses, dozens of environmental organizations (including at one time or another most environmental organizations in New Mexico) and the New Mexico Attorney General's office have all requested a halt to the continued permanent disposal of nuclear waste at Los Alamos, *along with public hearings on the cleanup of LANL*. In its response to some of these requests, the Johnson Administration assured petitioners that their concerns would be discussed in the formal permitting process for the site, which include formal on-the-record public hearings with right of legal appeal for all parties.

LANL's original site permit expired in 1999 and has been administratively continued since then. According to the Attorney General's office, the permit is flawed in that it omits several key required provisions, particularly those regarding the future of the nuclear waste disposal sites. NMED has never held a single public hearing on LANL cleanup. Under the proposed Order, it will never have to do so.

This disposal is now occurring in a landfill called "Area G," in a practice which began at Los Alamos in 1943 and is expected to continue (unlike the cleanup) until at least 2070, according to published DOE plans. After Area G is completely filled, four additional dump sites are expected to be filled in succession. It is this disposal which has created most of the pollution that is the subject of the proposed Order presented by DOE and NMED.

The proposed Order does not provide for public hearings, citizen appeal, or citizen enforcement suits, and would replace the fully open and enforceable hazardous waste permitting process, which does. Yet NMED officials, speaking at an off-the-record September 8 public meeting explaining the proposed Order, said the agency would conduct public hearings whenever there was a "sufficient level of interest."

"The central questions we pose in comments filed today are first whether the NMED will stick to its word and hold public hearings prior to adopting or rejecting this Order and second whether NMED will hold public hearings on the irrevocable decisions the agency anticipates making in the coming months," said Study Group Director Greg Mello.

Coming up quickly in NMED's proposed schedule are decisions regarding "Area H," a never-permitted hazardous and nuclear dump located near Area G on Mesita del Buey. Basic background information on Area H can be found at <http://www.lasg.org/waste/mda-overview.htm>; a detailed map of the area showing Area H and related nearby waste disposal facilities is available at <http://www.lasg.org/maps/pages/contents/54contents.htm>.

According to the draft Order, cleanup at Area H is to be complete within two years from yesterday, with key decisions regarding cleanup to be made this winter or spring at the latest. "Will NMED consider these questions and their factual background in a public hearing on Area H and other nearby landfills, as all these people and organizations have requested? Will NMED ultimately require the waste to be removed, or not? Will Area H be analyzed in isolation, or will it be considered in relation to the much larger Area G and other nearby waste sites? These questions comprise a test case for the integrity of the decisions being made at the NMED today," concluded Mello.

Further information and background are available from the Study Group upon request.

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