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**To:** [Roberts, Kathryn, NMENV](mailto:Roberts.Kathryn.NMENV)  
**Cc:** [info@nukewatch.org](mailto:info@nukewatch.org)  
**Subject:** Clean-up Cold War Wastes at Los Alamos National Laboratory  
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Dear Ms. Roberts:

I understand that the New Mexico Environment Department (NMED) has issued a draft version of a revised Consent Order - the original Consent Order was the agreement in 2005 between the State and the federal Department of Energy (DOE) for fence-to-fence cleanup of legacy Cold War wastes at the Los Alamos National Laboratory (LANL). The 2005 Consent Order was designed as a plan-to-make-a-plan with investigations of contaminated sites followed by cleanup decisions and remediation. Milestones and penalties were included to keep funding and cleanup on track.

Serious investigation and cleanup began under the 2005 Consent Order. From 2005 through 2010, DOE and its contractors, under NMED oversight, made significant progress toward cleanup of the Laboratory. Much investigation and work was completed. A large plume of hexavalent chromium was discovered in groundwater. Remedies were completed at dozens of individual sites.

Little cleanup, however, has been accomplished in the last few years. Many fear that the new revised Consent Order, if adopted, would continue this recent downward trend. The new revised order does not have enforceable milestones for all cleanup projects from the beginning. Instead, the new plan is for NMED and DOE to decide every 1 to 3 years which sites will be addressed for cleanup "campaigns". This may allow Los Alamos to never address all the sites, and revert cleanup back to the way it was done before the 2005 Consent Order - with budget driving cleanup. This is contrary to the original purpose of the Consent Order, which was to compel DOE and LANL to get additional money from Congress for the cleanup.

This draft represents a big step backwards in achieving the goal of genuine, comprehensive cleanup of the Laboratory. The Environment Department should keep the current 2005 Consent Order with necessary revisions to the cleanup schedule and withdraw this draft Consent Order.

It is also my understanding that the New Consent Order would expressly limit public participation requirements which is contrary to the 2005 Consent Order.

It is important that all milestones, targets, annual negotiations and modifications mandate the opportunity of public review and comment. It is essential that the State and Lab make all communications, documents and submittals specified in this Consent Order readily available to the people of New Mexico and the world.

Peace and All Good,  
John Zemblidge  
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