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Comments on the proposed New Consent Order:

The proposed new consent order is a non-enforceable document with no public participation.

All cleanup work should have scheduled enforceable dates with steep fines for not meeting those dates. Enforcement must be taken out of the hands of the NMED, since under the 2005 Consent Order NMED let LANL slide on at least 12 missed cleanup deadlines. In addition NMED has not enforced collection of approximately \$250,000,000 in payments to the state as a result of fines that should have been levied against LANL. Enforcement of deadlines and penalties are the only leverage we have to ensure that the money is appropriated and the cleanup happens. NMED has shown that it is looking out for LANL and not for the citizens of New Mexico.

The public should have the opportunity to comment on all future drafts of the proposed new consent order. Leaving out the public is not good governance. In addition, the proposed new consent order should make all communications, submittals and documents specified in the proposed new consent order available to the public. The public should have ready access to all status reports relating to all cleanup at LANL

The proposed new consent order offers no relief for the problems of the 2005 Consent Order. Therefore, the Environment Department should withdraw this proposed new consent order.

Sincerely,

Richard Johnson

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