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Secretary Curry Issues LANL Hazardous Waste Permit for 10 Years
Decision Allows Storage and Management of Hazardous Waste; Stops Open Burning

(Santa Fe, NM) New Mexico Environment Department Secretary Ron Curry issued a final order today granting the renewal of the hazardous waste permit for Los Alamos National Laboratory. The permit goes into effect Dec. 30.

The permit, which will be in effect for 10 years, authorizes LANL to manage and store hazardous waste from research and development activities, general facility operations, environmental restoration activities, and decontamination and decommissioning projects. The U.S. Department of Energy is the owner of the facility, and together with Los Alamos National Security, LLC, co-operates at the facility.

“The department has been working with the applicants and other interested individuals and groups for several years to finalize this complex renewal Permit,” Secretary Curry said. “I am satisfied that the permit will protect New Mexicans, LANL workers, and the environment and provide the transparency and accountability that residents deserve. I’m particularly proud of the unprecedented public involvement that led to this final permit.”

Today’s decision also denies LANL’s application to treat high explosive hazardous waste by open burning at Technical Area 16. The risk assessment that LANL conducted showed that, if continued, open burning of high explosives could result in ecological risk. Also, the application did not adequately address alternatives to open burning. Judge A. Joseph Alarid, the presiding hearing officer, stated in his report that “the applicants have not met their burden of demonstrating that the permit should be issued and not be denied for hazardous waste open burn treatment units at TA-16.”

The permit allows the permittees, DOE and LANS, to store hazardous waste at 24 permitted hazardous waste management units and to treat hazardous waste by stabilization at one location. Hazardous wastes that may be stored at LANL include waste chemicals such as spent solvents, corrosive liquids, metals and metallic compounds, used batteries and battery fluids, and hazardous chemical wastes mixed with radioactive wastes, *i.e.*, “mixed waste.” Approximately one-sixth of LANL’s 330 types of

hazardous wastes are mixed waste. LANL generated approximately 255,000 lbs. of hazardous and mixed wastes in 2008.

“The permit should not be viewed as an allowance for LANL to pollute,” Secretary Curry added. “It is written to prevent the laboratory from releasing further pollutants into the environment as it manages its hazardous waste.”

The permit places various conditions on the storage and treatment of hazardous waste to ensure the protection of public health and the environment. For example, the permit requires that all wastes be sufficiently characterized to know precisely what hazards they pose; that hazardous waste management units be posted with warning signs; that the units be inspected regularly; that LANL personnel receive adequate training on the proper handling of hazardous waste; that incompatible hazardous wastes be kept segregated; that hazardous wastes be stored in tanks and containers that are structurally sound and free of corrosion; and that the permittees maintain detailed records of the hazardous wastes stored or treated at LANL, or shipped off-site. The permit also requires the permittees to maintain a contingency plan that will be implemented in the event of a spill, fire, explosion, or other emergency involving hazardous waste.

The permit includes new provisions that enhance the public’s ability to participate in and be informed about permit-related actions. It requires the permittees to notify interested persons to receive e-mail notification on certain actions and submittals by the permittees. The permit also requires the permittees to establish a formal community relations plan that will be developed in consultation with and annually reviewed by communities and interested members of the public. That plan will keep those parties informed of permit-related activities, explain how they can participate in such activities, and provide a mechanism for commenting on ways to improve communication. In addition, the permittees will be required to set up both a virtual (electronic) information repository and physical information repository of LANL documents. This will provide the public with access to documents and information through the Internet and at a physical location.

The permit also addresses closure of disposal areas at TA-54 by coordinating hazardous waste cleanup at these sites with the historic fence-to-fence cleanup order. The permit and the order serve to comprehensively address cleanup across the lab, including contaminant investigation, remedy selection and groundwater monitoring facility-wide.

The permit contains a revision that states: “No delegation or assignment of the applicants’ responsibilities under this permit can be made to any person or entity, including a separately organized agency, without the express permission of the department; this prohibition does not preclude the applicants’ use of contractors for remediation. The applicants shall not allow any person or entity which currently exists or may be created, including a separately organized agency, to interfere with the performance of their obligations or responsibilities under this permit.”

The department held meetings throughout Northern New Mexico and Albuquerque, led negotiations with interested parties for a year, and had more than six months of public comment that culminated in a weeks-long public hearing regarding the permit. Dozens of people testified at the hearing.

The final permit, in addition to the Secretary’s Final Order and the department’s response to public comments are available for review on the department’s Web site at <http://www.nmenv.state.nm.us/hwb/lanlperm.html>.

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