

January 9, 2020

James C. Kenney, Cabinet Secretary
New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Dr., suite N4050
Santa Fe, New Mexico 87505

Dear Sir:

Thank you for holding the public engagement meeting at UNM-LA on the topic of the LANL 2016 Compliance Order on Consent (Consent Order) and considering changes to the Consent Order. I have become familiarized with the Consent Order through my service on the Northern New Mexico Citizen's Advisory Board (NNM CAB), serving as co-chair of the Ad Hoc Group on Consent Order of the NNM CAB, as well as on the Governor's Transition Team reviewing NMED and as Chair of the Sustainable Santa Fe Commission. The opinions that I am expressing regarding the LANL Consent Order are offered only in my personal capacity; I am not representing the opinions of my colleagues on the NNM CAB, on which I currently serve, nor of any other organizations with which I am affiliated.

As has been noted, the current Consent Order removed scheduled, enforceable cleanup deadlines which take into account the overall deadline for longer term cleanup, and with oversight by NMED for enforcement. Currently, DOE has annual target milestones for its campaigns which are more driven by budget requests than by longer term cleanup considerations. There is a need for a long-term perspective which not only takes into account cost estimates for full cleanup (lifecycle costs) but also prioritizes cleanup deadlines on the basis of rigorous risk assessments, characterizing the risks to human health and the environment resulting from releases of contaminants.

In an attempt to promote greater transparency, increase public understanding of cleanup activities at LANL, and provide information in a timely manner to support greater participation by the public and the CAB in reviewing priorities and progress, the NNM CAB submitted Recommendation to the Department of Energy (No. 2019-02) entitled "Improving the Utility of the Consent Order with Supplementary Information." These recommendations request that additional information be provided to supplement that which is required in the current Consent Order. However, it is my recommendation that, in reviewing and revising the current Consent Order, the following supplemental information be required by the Consent Order. This will give more context in which to make decisions about how to prioritize cleanup over time and how to budget for that cleanup in order to accelerate its completion. It will also help inform the public as to how decisions are being made regarding cleanup.

The recommendations include the following:

- DOE-EM LA develop and share a 10-year strategic cleanup plan, including the level of total and annualized resources needed to achieve that comprehensive goal. Along with this plan, EM-LA should show the estimated duration of the various Campaigns at the

current and 10-year funding levels, with significant benchmarks along the way. This information could be incorporated into the design of Appendices B and C and supplemented with publicly available annual progress toward achieving Campaign milestones listed in Appendix C.

- Further, DOE-EM LA should include within Appendix B additional out-years beyond the two currently shown.
- Given the significance of the use of risk-based approaches currently noted in the Consent Order to prioritize targets and milestones per year, DOE-EM LA should provide to the public those risk-based findings for which priorities have been established. With NNM CAB and public input, relative risk should also be taken into account in those prioritizations.

Given the public concerns over timely cleanup of all contaminants at LANL, I believe that it is important to allow more public discourse and debate before approval and adoption of modifications to the Consent Order on an annual basis between NMED and DOE.

Thank you for the opportunity to comment. I support all efforts to increase transparency on the part of DOE-EM LA and NMED so that the public can participate in meaningful ways in the Consent Order process.

Respectfully,

A handwritten signature in cursive script that reads "Beth Beloff". The signature is written in black ink and is positioned below the "Respectfully," text.

Beth Beloff
20 Polaris Rd.
Santa Fe, NM 87506