From:	JAMES BEARZI
To:	Stringer, Stephanie, NMENV
Subject:	[EXT] Consent Order Comments
Date:	Friday, February 28, 2020 3:53:03 PM
Attachments:	NMED LANL CO Moats Comments.pdf

Stephanie --

As a private citizen, I offer William Moats' comments on the 2016 Consent Order and, rather than reiterate his work, wholly endorse all of his points. Like Mr. Moats, I have deep experience with the Order (I was one of the two negotiators of the original Order) and implementing it (I led the Bureau as its chief from 1999 to 2011). I therefore urge the Department to give these comments the consideration due it.

I recognize that Mr. Moats was commenting on a draft of the 2016 Order, and you have asked for comment on the in-force Order as it exists today. Unfortunately, the Department has very little leverage with DOE to make changes to the 2016 Order (as amended), having given up most of its enforcement authority in 2016. The 2016 Order emasculated the Department's capacity to conduct meaningful oversight or effectively regulate LANL. Moreover, the public has been cut out of the process, in contravention of the controlling regulations and the New Mexico Hazardous Waste Act.

I urge you to accept various "histories" of the Consent Order(s) with a great deal of skepticism. As I said in my public comments on January 9, 2020, memories are just a narrative that works for holder of those memories. I stand ready to visit with you, if you so desire and it will help, to give you my narrative about how we got here, and more importantly how we can move forward. I applaud the Department for reaching out on this important issue. I wish it every success.

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