Date

By email to: ryan.flynn@state.nm.us

Secretary - Designate Ryan Flynn

New Mexico Environment Department

P. O. Box 5469

Santa Fe, NM 87502-5469

Re: Draft Discharge Permit, DP-1132, Los Alamos National Laboratory’s

Radioactive Liquid Waste Treatment Facility at Technical Area 50

Dear Secretary-Designate Flynn:

Please require the Department of Energy (DOE) and Los Alamos National Laboratory (LANL) to provide the closure and post-closure plans for the Radioactive Liquid Waste Treatment Facility as part of their application for the groundwater discharge permit DP-1132.  The draft permit now out for public comment and review allows DOE and LANL to submit the closure plans in 180 days after the issuance of the permit.  This places both the public and your agency at a distinct disadvantage. It also substantially increases the cost of the permitting process at a time when state resources are scarce.

Both the public and the Ground Water Quality Bureau need to review the plans for operation and closure of the 50-year old facility now. This way your agency may craft an appropriate permit and provide the public an opportunity to make informed comments and request a public hearing. Separating the permitting process from the closure process requires two permit proceedings. That will cost your agency and the public additional time and expense. By including the closure and post closure plans with the draft permit -- as regulations give you the authority to require -- both public and agency resources are appropriately conserved. This results in a higher level of informed decision-making.  That is a benefit to your agency, and the public it serves. Requiring the closure plans now, prior to issuance of the permit, also saves federal taxpayer dollars. Then DOE and LANL will only need one permitting process.

DOE and LANL have already had more than ample time to prepare the closure plans for this facility. NMED issued a draft discharge permit DP-1132 on June 10, 2005. In response, public comments were submitted. Those comments raised the issue of requiring inclusion of the closure and post-closure plans with the permit application. Eight years is more than a reasonable period of time for DOE and LANL to fulfill those requirements.

Please carefully consider this conservative approach to the permitting of the Radioactive Liquid Waste Treatment Facility. It will save all sides in this matter money and time. Please direct the Ground Water Quality Bureau to require DOE and LANL to submit the closure and post closure plans for agency and public review now, before the issuance of a revised permit.  
  
Thank you for your consideration of this request.

Sincerely,