February \*\*\*, 2022 – comments due by midnight MT on Sat. Feb. 26, 2022

By email to: [James.Nellessen@state.nm.us](mailto:James.Nellessen@state.nm.us)

Jim Nellessen

Air Quality Bureau Permit Section

New Mexico Environment Department

525 Camino de los Marquez, Suite 1

Santa Fe, NM 87505-1816

Re: Public Comments about Air Quality Permit Application from Los Alamos National Laboratory for Proposed Installation and Use of Two More

Beryllium Lathes and a Magnetron Sputtering Coating Process at TA-35

Dear Mr. Nellessen:

Please accept these comments as my expression of interest in the proposed permit modification request by Los Alamos National Laboratory (LANL) to expand beryllium operations at Technical Area 35 (TA-35). I would appreciate notification from you about when the Air Quality Bureau’s analysis of the permit modification request is available for a 30-day public comment period and the opportunity to request a public hearing.

I am concerned about the defective public process including:

1. The regulations require the broadcast of public service announcements (PSAs) on a radio station or television station “which serves the municipality or county in which the source is … located.” In this matter, LANL made arrangements for PSAs to be broadcast on Albuquerque radio stations (KMGA and KOBQ). LANL did not make arrangements for the PSAs to be broadcast on local radio stations, such as KRSN (1490 AM) located in Los Alamos, or KDCE (950 AM) in the Española Valley. As a result, the local communities were not properly informed of this administrative process.
2. The Public Involvement Plan (PIP), which addresses “community participation needs for this permitting action were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low income community, minority community, limited English proficiency individual, Linguistically Isolated Households, etc.) that may impact public participation.” p. 1.

It is curious / discriminatory that the Air Quality Bureau used a 10-mile radius around TA-35 to determine the community participation needs. It does not include Pueblo de San Ildefonso and Santa Clara Pueblo. If a 50-mile were used as LANL uses in its analyses for National Environmental Policy Act (NEPA) documents, it would include many additional Pueblos from Taos to Albuquerque. LANL did not describe why a 50-mile radius was not used *See* the two maps at end of the PIP.

It is also curious / discriminatory that the Bureau did not use the 10-mile radius to determine the community participation needs for land grants and colonias communities. p. 8. It used a four-mile radius.

The Bureau did not explain its reasoning for using a 10-mile radius for Los Alamos County residents and a four-mile radius for land grants and colonias.

As a result of the Bureau’s choice of a limited radius, it did not find that the Public Notice would need to be translated into Spanish.

1. I am concerned that LANL’s application does not state the room number within TA-35 where the sputtering operations will take place. That room has its own emissions stack on the roof of TA-35.
2. The draft permit must prohibit operations of the existing lathe and the proposed two lathes at the same time. LANL states in its application that it will operate only two lathes at the same time. The permit must state that commitment.
3. While the LANL application states that the polluted air will be pre-filtered prior to entering the single-stage HEPA filtration system, the public notice documents omits that information. Corrections must be done to the public notice documents.

Thank you for your careful consideration of my comments.