[Email to: EMLA-NEPA@em.doe.gov.

Please use the subject line: Hexavalent Chromium Draft EA Comment]

March \_\_\_, 2024

EM-LA NEPA Document Manager

U.S. DOE Environmental Management

Los Alamos Field Office

1200 Trinity Drive, Suite 400

Los Alamos, NM 87544

Re: Comments on the *Draft Hexavalent Chromium Interim Measure and Final Remedy Environmental Assessment Los Alamos, New Mexico (DOE/EA-2216)*

Dear Document Manager:

I’m concerned about the hexavalent chromium (CrVI) plume and how it will negatively impact the land, water, and communities who rely on the Española Basin Drinking Water Aquifer. The extent and depth of the plume remain unknown, and serious concerns have been raised about re-injecting treated water into the contaminated plume. So serious were these concerns that the New Mexico Environment Department ordered the Department of Energy (DOE) to halt re-injections in April 2023. The public deserves an informed response as to whether re-injection “smears” the plume, pushing dangerous contaminants toward Pueblo de San Ildefonso and deeper into the sole source drinking water aquifer upon which thousands of people depend. DOE must describe specifically how it plans to address this issue.

Twenty years after CrVI was discovered in the aquifer, DOE still has not protected the regional drinking water aquifer. The problem is getting worse, not better, as evidenced by the work stoppages and failed wells. Now, DOE proposes to put the cart before the horse, skipping necessary steps and rushing into a draft Environmental Assessment (EA) and “final remedy.” The draft EA presented is incomplete and technically deficient. Nor does the draft include plans for consultation with public stakeholders. Accordingly, DOE must withdraw the EA and prepare a more detailed Environmental Impact Statement (EIS).

**The Draft Environmental Assessment is Premature and Must Be Withdrawn**

Why would DOE and its Environmental Management Los Alamos office (EM-LA) release this “Draft Hexavalent Chromium Interim Measure and Final Remedy Environmental Assessment” now? Doing so preempts important steps for public disclosure and prohibits the preparation of a more detailed EIS for public review and comment. Prior to the EA stage, the process requires the Environment Department to reveal all of the following: a preferred alternative for remediation, a Statement of Basis for how to proceed, opportunities for public review and comments, and requests for a public hearing. All of these steps are necessary to engage the public and determine the most protective and respectful processes for cleaning up the plume. Neglecting these steps shrouds the process in secrecy.

**Does Adaptive Site Management Exclude the Public?**

DOE claims that using Adaptive Site Management, or ASM, allows it to change tactics, techniques, and remedialmeasures as more knowledge is gained about the plume and as new problems arise. But this is the method DOE has used for the past 20 years with limited success.  Another proposal for ASM underscores the extent to which the CrVI problem and the proper strategies for cleaning it up remain unknown.

As required by the Environmental Protection Agency (EPA), the public is an active participant in the decision-making process.  The DOE’s ASM proposal does not allow the public to actively participate in the decision-making processes, let alone have a seat at the decision-making table. DOE does not explain in the draft EA whether ASM will allow EM-LA to make decisions about the cleanup without prior and informed public disclosure, including approval from state regulators and crucial input from the public.

This last point is not a hypothetical concern. On February 6, 2024, the Environment Department authorized EM-LA to begin re-injecting treated water into the plume at two injection wells—CrIN-3 and CrIN-4.  [These acronyms stand for the chromium injection wells 3 and 4.] This authorization was granted absent public notice or an opportunity for public comment. The fact that this has already happened underscores my concern with ASM: Without substantive language in the draft EA or draft EIS that clearly articulates how the public would be involved in “adaptive site management” measures, or an alternative to ASM, there is a real danger that the public will continue to be excluded from important decisions that impact land, water, and communities.

**DOE’s plan for an environmental assessment leads to segmentation**

The National Environmental Policy Act (NEPA) warns against ‘segmentation,’ or dividing environmental analyses into smaller parts, which can then be approved without looking at the big picture.

I don’t know the big picture because NMED has not yet decided on its preferred alternative for remediation, a Statement of Basis, more opportunities for public comments, a public hearing, and/or a final remedy determination. EM-LA has not explained why it is not waiting for the Environment Department to make its required regulatory decisions.

Further, given the extensive history of the CrVI plume, the draft EIS must provide a history of the successes and failures in addressing the CrVI contamination, as well as the ins and outs of other regulatory processes involved, including the Environment Department’s groundwater discharge permits DP-1793 (land application of treated waters) and DP-1835 (extraction and reinjection of treated waters); a description of applications to the Office of the State Engineer; and an accounting of concerns raised by other government entities, including the Pueblos and the Buckman Direct Diversion Project.

Thank you for your careful consideration of my comments.

Sincerely,

[Name, city, state]

[Please note that your name, city and state will become public]