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Missed WIPP Deadline May Put Real Cleanup at LANL Back On Track

Santa Fe, NM - Today the New Mexico Environment Department (NMED) denied extension requests by Los Alamos National Laboratory (LANL) to delay cleanup milestones under a legally enforceable 2005 Consent Order. These denials by NMED counter a trend since January 2012 when NMED and LANL entered into a nonbinding "Framework Agreement" to ship 3706 cubic meters of above-ground transuranic waste from the Lab to the Waste Isolation Pilot Plant (WIPP) for permanent disposal. LANL radioactive wastes are now the main suspect in the February 14 contamination and subsequent shutdown of the multi-billion dollar WIPP.

NMED denied 14 extensions, now available in LANL's Electronic Public Reading Room. These denials include construction of monitoring wells, and investigation reports for cleanup of contaminated areas. All of them included language that LANL requested an extension based on the Lab's need to divert resources to remove transuranic waste in accordance with the Framework Agreement. The denials repeatedly state, "Based on the Permittees' [LANL's] statement that they will not be able to meet the deadlines that they committed to in the Framework Agreement [to ship TRU wastes to WIPP], the request is hereby denied."

NMED had previously agreed to over 100 of these extension requests in favor of the so-called 3706 Campaign. The campaign was part of a non-binding agreement with the NM Environment Department so there are no penalties associated with lack of performance. The problem is that much other cleanup at the Lab was delayed while the 3706 Campaign was prioritized.

The Lab will miss the June 30 deadline of shipping 3,706 cubic meters of transuranic waste while the cleanup of over 1,000,000 cubic meters of all types of radioactive waste, hazardous waste, and contaminated backfill buried across the Lab were put on the back burner. These vast amounts of buried wastes, dating back to the Lab's early days, are covered under the 2005 Consent Order for the "fence-to-fence" cleanup of legacy wastes. The Consent Order is enforceable with financial penalties for missed deliverables.

The Lab has claimed that there is not enough money to address all the Consent Order deliverables, but the original intent behind the Consent Order was that fines or the threat of fines would shake federal cleanup funding from DOE headquarters in Washington, DC. Cleanup without the big stick of possible fines just takes us back to the time when the small budget received annually just gets sprinkled around to where the cleanup “priorities” are perceived to be.

Jay Coghlan, Nuclear Watch New Mexico Executive Director, commented, “After granting more than one hundred extension requests to delay cleanup, we salute the New Mexico Environment Department for denying further requests. We encourage NMED to enforce what it already has, and make LANL comply with its legally mandated cleanup order. This in turn will drive increased federal funding for genuine cleanup at the Lab, creating hundreds of jobs while permanently protecting our precious water and environment.”

Scott Kovac, Nuclear Watch New Mexico Program Director, commented, “We look forward to continuing enforcement of the 2005 Consent Order and the necessary removal of Cold War legacy waste buried in unlined trenches above our aquifer.”

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January 2012 Framework Agreement -

http://www.nmenv.state.nm.us/documents/LANL_Framework_Agreement.pdf

LANL’s Electronic Public Reading Room -

<http://epr.lanl.gov/oppie/service>

Sample of denial -

<http://permalink.lanl.gov/object/tr?what=info:lanl-repo/epr/ERID-524925>

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