

PUBLIC COMMENTS
PUBLIC HEARING FOR MIXED WASTE LANDFILL
December 2, 2004
Radisson Hotel and Conference Center
Albuquerque, New Mexico

Of the 36 members of the public who testified in support of excavation and clean up of the Mixed Waste Landfill, 16 represented local organizations that included the Sierra Club, Central New Mexico Chapter; the New Mexico Public Health Association; the Albuquerque/Bernalillo Groundwater Protection Advisory Board; the Rio Grande Community Development Corporation; Mountain View Neighborhood Association; Native Forest Network; Gray Panthers, Albuquerque Chapter; Albuquerque Unitarian and Universalist Fellowship; Citizens for Alternatives to Radioactive Dumping; Concerned Citizens for Nuclear Safety; Veterans for Peace; Albuquerque Center for Peace and Justice; Stop the War Machine; Physicians for Social Responsibility; Archdiocese of Santa Fe, Ecological Ministry, Order of St. Francis; and People Not Profit.

The following are quotes taken from the Hearing transcripts from several members of the public who testified at the Public Hearing for the Mixed Waste Landfill over the course of four days.

DAY ONE

CARL WHITE
p. 88, line 6

[GPAB RESOLUTION, April 12, 2001]:

".....The mixed waste landfill should be excavated and the materials properly stabilized and disposed of when either: one, radiation levels decrease to levels acceptable for remediation activities; or, two, the waste is determined to present an unacceptable risk to human health and the environment. That's the main recommendation that I feel might be counter to the recommendations for the mixed waste landfill that are under consideration today. That's the formal part of my presentation."

CARL WHITE [PERSONAL TESTIMONY]:
p. 88, line 17

"My public citizen part of the presentation is that I also feel that because the groundwater underneath the City of Albuquerque represents such a vital resource that it would be best, both as a good neighbor and as a best practices,

for the mixed waste landfill to be excavated . . . the resource is so vital that I think that it should be a good -- a demonstration of good faith and of a good neighbor for this site to be remediated and for the materials to be properly disposed so that there are no questions associated with this site."

ERIC NUTTALL DIRECT TESTIMONY

p. 198, line 22

"But I can tell you that, having looked at these recommendations, the recommendations are set up in a very, very straightforward manner, saying that the [WERC] panel suggests or the panel recommends, and the panel makes a strong recommendation, and this includes a language such as the panel -- the panel's strongest recommendation is to include a scenario that would be titled, "Cover With Future Excavation."

p. 152, line 20

"The content of the mixed waste landfill is significant. It's been characterized enough to know that. We certainly would not argue, I don't think -- or many of us -- that it isn't a significant mixture of radioactive and hazardous materials."

p. 166, line 17

"The issue of what -- the metal containers and some of the other containers, how long those would last, Sandia might be in a better position to get some of their materials experts and others to tell us, but, surely, those will all breach in time. I've never heard of anyone that -- including working on Yucca Mountain -- that has ever been able to design a canister that's going to last hundreds of thousands of years, for example. I mean, the best-engineered canisters are sort of slated to decay in 500 to 1,000 years."

PAUL ROBINSON CROSS EXAMINATION OF ERIC NUTTALL

p. 168, line 25

A. Well, the issue then, once it's breached, it depends on the internal transportability of the waste and then its migration within the soil, and under different

scenarios, certainly, you could get mixing, you could get synergetic reactions taking place in that mixing situation. Ideally, plucking out canisters while they are all together, or containers, while they are unbreached, makes a lot of sense in terms of a scenario for extraction, but that's a little bit outside my talk in that regard, but certainly -- certainly, there is the possibility of mobility once you have breaching of the canisters, and mobility certainly implies the potential for mixing, and I don't think anyone would argue, in that close proximity of all the different types of wastes that were put in there, that mixing was not a strong possibility."

p. 173, line 18

"Now, we're moving to the issue of how is the system going to behave under different scenarios for the future, and I guess what I saw was more a compilation of what -- how it behaves today, what happened in the -- approximately what happened in the past, and so on, with the water addition back in the '60's, et cetera. That's all historical information, but it's not been integrated, in my opinion, nor the opinion of the [WERC] panel, to give an interpretation of how the overall system would behave."

p. 174, line 11

"You need to put that into your input for your risk models and, to my knowledge, that wasn't the approach that was taken with regard to risk, though it was a strong recommendation as I read here [WERC REPORT]. I'm just trying to build upon the recommendation of some really, really very recognizable national experts in this field, that have just impeccable credentials, and, you know, I don't think you can ignore that recommendation."

p. 176, line 17

"So there are two sides to this issue with regard to health and the environment and protection of the water. It's not just the radioactivity, but it's also the toxicity of some of the materials."

p. 177, line 6

"What I can refer back to, though, is that starting with the Groundwater Protection Advisory Board, the first peer review panel and the second peer review panel, all of those used the word "excavation" at some point in time as an appropriate way to deal with this particular landfill. So that's what I would refer back to, rather than answer directly, because there are opinions, and it's a complicated situation on both sides, but if you look at the documentation, every -- every one of those peer groups used the word "excavation" as one of the methodologies that would presumably allow engineered disposal, if you will, and proper treatment, and, you know, if I go beyond that, then I'm sort of leaving the context of what I proposed in my intent of testimony."

ERIC NUTTAL'S CROSS EXAMINATION OF JOHN GOULD, RICHARD E. FATE, TIMOTHY J. GOERING MARK L. MILLER, MICHAEL D. NAGY AND JERRY L. PEACE

p. 274, line 7

MR. NUTTALL: "Those canisters -- those lead pigs, as we sometimes call them -- those large lead vessels were lifted up on a crane and lowered down into the system. Today, would you expect that lead to still be intact, since it was also encased in some cases in concrete or -

MR. PEACE: Yes. The pig should still be intact today and encapsulated with concrete, yes.

MR. NUTTALL: So if one were to go in, since they are in the classified area, and you know where they are, it would be conceivable that one could contribute -- could retrieve those still in the canister form?

MR. PEACE: Yes. It's conceivable that those particular cobalt sources could be retrieved.

MR. NUTTALL: Right. And if they were still in the canister form, would there be any exposure to the workers at that point due to the cobalt-60 itself?

MR. PEACE: Well, firstly, one would have to remove the surrounding concrete. That's a very difficult task to check the integrity of the lead pig. Whether or not the lead pig would be damaged in the process is unknown at this time. But determining the integrity of both the encapsulating concrete and the lead pig would be a characterization process in the event that that particular pit was excavated.

MR. NUTTALL: Would we have any trouble with the

instrumentation today, telling whether the -- remotely
telling whether the pig had been breached?

MR. PEACE: Yes, there is remote instrumentation that
detects gamma emissions that could be used to interrogate
the integrity of the lead pig in the concrete."

ERIC NUTTALL'S CROSS EXAMINATION OF ABBAS GHASSEMI
p. 196, line 2

MR. GHASSEMI: "General conclusion number two says,
"Although there appears to be anecdotal information that
implies that excavation of the mixed waste landfill at this
time would be too dangerous for worker safety, there is no
documentation on actual risks, costs, or impacts
to support this assumption. Additionally, there is no
documentation as to when in the future such excavation
might be appropriate. That's two."

PAUL ROBINSON'S CROSS EXAMINATION OF ABBAS GHASSEMI:
p. 198 line 25

". . . and the panel makes a strong recommendation, and
this includes a language such as the panel -- the panel's
strongest recommendation is to include a scenario that
would be titled, "Cover With Future Excavation."

DORIE BUNTING
p. 179, line 6

"After years of debate over the best course of remediation
for the mixed waste landfill, and much study by reputable
independent scientists, I feel strongly that the Department
of Energy should adopt a variation of the precautionary
principle and excavate and remove the waste for storage or
disposal at a safe site, or at least assure, with a trust
fund, that the site will be cleaned up within the next 20
years."

MALLERY DOWNS/PRESIDENT ELECT/New Mexico Public Health
Association
p. 182, line 6

"It is not sufficient to cover the waste and/or limit land
use and access, despite any planned continued monitoring
and sampling efforts. We respectfully submit our support for
the mixed waste landfill to be completely excavated and
cleaned up to protect the public's health."

FLOY BARRETT
p. 264, line 19

"I feel confident that Sandia, with its advanced technological knowledge, will be able to clean up the mixed waste landfill so that it will be much more secure than just putting -- covering it with dirt."

SUE CHAVEZ
p. 280, line 12

". . . The decisions about the mixed waste landfill must be made on the basis of science, not politics. It's a matter of priorities, and I really think we need to clean the dump up now."

ELLEN ROBINSON/Gray Panthers of Greater Albuquerque
p. 286, line 5

". . . don't just sweep the dirt under the rug. Please spend the money to do a real cleanup of the Sandia mixed waste landfill."

DAVID ROBINSON/ON BEHALF OF Albuquerque Unitarian and Universalist Fellowship
p. 287, line 19

"Can't we just throw some dirt on it and forget about it? We can put a little fence around it and plant it with native vegetation so people might not notice. Sandia will take care of us. The United States Department of Energy will even print up little signs to warn away future citizens and illiterate prairie dogs that happen to explore it. Isn't that comforting?"

MARTIN ZEHER
p. 290, line 20

". . . When we take water for granted, we're on a fool's journey, because it doesn't just appear out of nowhere."

MATTHEW LASEK
p. 354, line 2

"Over the past four years, I've been involved with this topic. I've been in contact -- I've seen and heard the arguments of the Department of Energy throughout, and I've noticed that a lot has changed over time. The stories have changed about their certainty about what's in the landfill, varying from a loose understanding to a very definitive understanding, and back again, perhaps. The reasons for leaving it in place and not wanting to excavate have changed as well. The costs of cleanup have also changed, and their approach to cleanup has changed, starting at the beginning, which was to do absolutely nothing and just leave it there, to what we have tonight, a soil cap. So in response to the question can DOE be relied on, relied upon to do the right thing, I've come to the conclusion that they cannot. Their motives are not geared towards public health, environmental health, and so I believe that we cannot count on them to develop the best solution for this landfill. Therefore, tonight, I urge Secretary Curry, the New Mexico Environment Department, Governor Richardson, to not rely upon the Department of Energy, to reject the measure -- cleanup measure of capping it with soil and allow us to rely upon them to do the right thing, to keep us safe and keep us clean, keep our water and air clean, because that is their -- the New Mexico Environment Department, that is their main goal and mission, and that's who should be trusted with this."

MARLA PAINTER/Mountain View Neighborhood Assoc.
p. 359, line 12

". . . This site must be dug up, sorted out, isolated from the earth, properly contained, no matter how much it costs, until we have sufficient technology to deal with it off site over the long term. Let's hope that happens someday. It would be almost -- it would almost be acceptable to leave the short-lived radioactive waste there for a few more years if the federal government were willing to put up a bond and direct, by law, a limit to how long the waste remains at that site. They tell us they can't do that. But they aren't going to do that, so it must be dealt with now."

DAY 2

PETER NEILS/Native Forest Network
p. 496, line 3

"I believe the current Secretary has the integrity to reverse that oversight, and that Sandia's performance yesterday, in response to Mr. Robinson's inquiries, supports that action. It is my prayer that the Environment Department faces its responsibilities to future generations of New Mexicans, and resists the temptation to permit Sandia's easy solution."

MARK RUDD/Mountain View Neighborhood Assoc.
p. 505, line 20

"My name is Mark Rudd. I live at 506 Valley High, Southwest, in Mountain View, which is the neighborhood that is due -- it's probably the closest neighborhood to the mixed waste landfill. It's due west of the landfill. Mountain View is south of Rio Bravo and roughly east of Broadway, between Broadway and the river . . . I agree with Peter Neils, who just spoke, that this may be a political problem more than a scientific problem, especially since a lot of the scientific facts are unknown. [P. 510] So I appeal to the NMED to do its job, to do your job, and to look out for our welfare, and to not be drawn into this political conspiracy."

ROBIN SEYDEL
p. 510, line 25

"I am a mother and a business person. I've worked for the past 20 years to build a business in the Nob Hill District. It's a multi-million-dollar business that employs 150 employees, and we're very proud of that business. I ask us -- especially Sandia folks and New Mexico Department of ED folks -- what are our values if we don't clean up the mess that we made so that we don't leave it for our children to clean up? . . . please clean up the landfill and help us maintain an environmentally sound and safe New Mexico as we move forward together, because we all live in this community, none of us are probably going anywhere at any time. I know I'm not, I'm here to stay."

MARY WHITE

p. 516, line 9

"I'm Mary G. White. I was a Department of Energy employee for many years -- for 30-and-a-half years altogether, part of which was at Sandia. One of the things that we do know is this material can be cleaned up. If it's a question of money, then let's go find out about where we can get the funding for it."

HILDEGARD ADAMS

p. 523, line 14

"Their [Sandia National Laboratories] attempt to cover up this dangerous dump, containing hazardous, toxic, radioactive and classified waste, is totally irresponsible. . . so I urge you, New Mexico Environmental Department, hold Sandia's feet to the fire and dig in your heels until this battle is won."

JILIA STEPHENS/Director, Rio Grande Community Development Corp.; Community coordinator, South Valley Partners for Environmental Justice; Former GPAB member

p. 528, line 17

" "We" -- I assume meaning the Rio Grande Community Development Corporation -- "urge the New Mexico Environment Department to require complete closure from the US Department of Energy for the safe disposal of the materials in the mixed waste landfill. To do otherwise is to place current and future citizens of New Mexico at risk for hazardous pollution of our environment, as well as a financial burden that our state can ill-afford. With ongoing and future nuclear waste production, as well as existing stockpiles associated with our numerous facilities within New Mexico, allowing a pattern of anything less than full closure of any hazardous and/or nuclear waste depository cannot be tolerated. "The Rio Grande CDC" -- that's Community Development Corporation -- "the South Valley Partners for Environmental Justice and citizens of New Mexico insist that the New Mexico Environment Department take its responsibility for the health and well-being of our environs and its inhabitants with the utmost of seriousness and do the right thing by putting a closure plan in motion."

CHARLIE O'DOWD
p. 540, line 10

"I have a lot of friends who work at the labs, and I absolutely support the work of the labs, but this particular project needs to be cleaned up and it needs to move. I'm a small businessman in New Mexico. I run an absolutely clean business, and if New Mexico continues to allow things like the mixed waste landfill, and to simply put a cap on it, I will take my business out of the state and put it somewhere else."

CECILIA CHAVEZ (en Espanol)
p. 630, line 9

"I oppose the proposal of covering with a soil cover this mixed waste dump. With or without the gravel barrier, I'm not in any way convinced that this supposed solution of covering these wastes that are so dangerous will work. The Sandia Laboratories have an opportunity to do something positive, not only for New Mexico as a state, but also for the country and the entire world. There is the opportunity to do it right, respecting this mixed waste dump ... The staff of Sandia can help develop technologies that benefit the world, technologies that can be used to contain other radioactive wastes. We have an opportunity to do something positive, and I am asking you to do the right thing for our children, for our neighbors, for our loved ones, and for those present and those who will be here in the future."

JANET GREENWALD/Citizens for Alternatives to Radioactive
Dumping
p. 631, line 21

"We challenge you to clean up this dump, even though it will drive up the costs for cleaning up radioactive wastes, which goes against the national agenda at this time to reduce those costs in preparation for our nation going into another -- as some people say, a second nuclear age."

SETH RAINWATER
p. 635, line 8

"It concerns me greatly that another government agency, Sandia, is possibly going to get away with not having to

clean up their mess . . . the main point that I wanted to enter on the record is this, that in order to teach future world generations about responsibility for one's actions, I believe a trend should be started to make people clean up their messes. Let's start with Sandia here in Albuquerque."

SALLY-ALICE THOMPSON
p. 639, line 11

"I'm a citizen of Albuquerque. I'm 81 years old. I don't expect to be around 200 years from now, and it may come as not -- it probably doesn't come as a surprise that nobody else in this room is going to be around 200 years from now. I don't know how you feel about it, but I think that it -- I think that we should take care of our problems now. We should do -- we should take care of our problems as they arise. We should pay as we go. That's the conservative attitude, we pay as we go, and, apparently, we don't -- we don't believe that any longer, that it's all right to say -- to have our children and grandchildren have to pay for our errors, but I think that it's time for us to have a change, and I think it's time to stop making this awful, awful waste."

JOAN BROWN/Catholic Archdiocese of Santa Fe
p. 684, line 6

"Would those of us here -- would you, the panel, like for your children to live -- or your grandchildren to live -- next to this site? Would you leave this as a proud inheritance for children seven generations from now? I would ask you to seriously consider these moral and ethical considerations, and others that I know you, as people of good conscience, carry within you and you go to bed with each night, all of these implications of your actions upon the sacramental commons of water and land of the city as you consider these issues?"

LOUELLA WILBURN
p. 722, line 1

"We must clean up this mixed waste for our health and that of our future generations. They are entrusting us to keep our planet clean and safe for them. That's all. Thank you."

MARK DOPPKE/ON BEHALF OF THE Sierra Club Rio Grande Chapter
p.725, line 22

"Our group has over 3,000 members, most of whom live in or near Albuquerque. I'm representing our group tonight and the Sierra Club on the mixed waste landfill. So according to the mixed waste landfill inventory available from the Citizen Action website, the landfill contains, but is not limited to, tons of depleted uranium, multiple fission products, contaminated lead, cobalt-60, sodium, radium, thorium, beryllium and plutonium. Besides whatever radiological dangers these substances present, they are all toxics in their own right. The site is also known to contain PCBs. These substances are very strongly linked to cancer and are extremely dangerous, even in very small quantities. Dumping these materials into unlined pits is not adequate. A new facility should be sited for the waste after public input. The waste in the mixed waste landfill should then be exhumed and sent to the new site. It should probably be concentrated with other waste of its type in a place designed to deal with these materials."

DAY 3

MAUREEN WRIGHT
p. 935, line 9

"We know that many of these contaminants are -- have a long life, and we really need to consider more than just what is in the local immediate consideration."

SYLVIANA D'OUVILLE
p. 937, line 1

"The nuclear industries have left - the companies have left some nasty deadly stuff all over our once-healthy state. You've heard it before, the most important life lessons you learned were in kindergarten -- you make a mess, you clean it up, no discrimination, no side-stepping, no half-ass language, no crocodile tears, no ginger-pointing, you did the mess, you clean it up. I'd like to continue to see my family grow and prosper here. I'd like to see the mess really cleaned up."

LILLY OTTO
p. 1050, line 20

"Now, what if you just took out this transuranic waste and found another secure place for it, and then contacted the Bio News to see if they have a better solution for the other waste. They have had some great success with toxic wastes in other locations. At least you could talk."

DAY 4

JANET HARMAN
p. 1223, line 19

"I'm not a scientist. I'm a mother, I'm a small business owner, and I'm a citizen of Albuquerque, who drinks the water, who also has had cancer survivors in my family and many cancer-survivor friends. You've got to go to the heart of the problem and dig it up and deal with it, and if we don't do it now, his generation will be dealing with it, or his children will be dealing with it, and that's not right, and that's really all I have to say is to deal with the problem now, so the future generations don't."

JEAN WITHERSPOON, CITY OF ALBUQUERQUE/GPAB
p. 1322, line 20

"Number four [GPAB RESOLUTION], the mixed waste landfill should be excavated and the materials properly stabilized and disposed of when either: one, radiation levels decrease to levels acceptable for remediation activities; or, two, the waste is determined to present an unacceptable risk to human health and the environment."

JEAN PAHLS/TEACHER
p. 1326, line 21

". . . and I can assure you that, as a second grade teacher who has firsthand seen Fernald, that as long as that waste is there that I will never feel that people have done their homework. As long as that's there, I will never feel that this has been addressed. I know that there are a lot of people who feel the same way I do."