

Tri-Valley CAREs

Communities Against a Radioactive Environment

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August 3, 2015

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Public Comment and Analysis Lawrence Livermore National Laboratory RCRA Hazardous Waste Permit

Submitted to

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Department of Toxic Substances Control

Submitted as comment for

Draft Permit: Lawrence Livermore National Laboratory RCRA Hazardous Waste Permit
No. LLNL-MI-420944_REV-10

Submitted by

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Introduction

Tri-Valley CAREs (TVC) is a non-profit organization founded in 1983 by Livermore, California area residents to research and conduct public education and advocacy regarding the potential environmental, health, and proliferation impacts of the Department of Energy's (DOE) Lawrence Livermore National Laboratory (LLNL or Livermore Lab). On behalf of our 5,600 members, Tri-Valley CAREs submits the following comments on the LLNL draft Hazardous Waste Facility Permit Renewal and draft Addendum to previously adopted Negative Declaration under the California Environmental Quality Act (CEQA).

The draft Permit Renewal authorizes LLNL to continue to store a maximum of 913,270 gallons of liquid and solid hazardous waste in 12 container storage units. The permit will also allow LLNL to store and treat 45,000 gallons per day of hazardous waste in one treatment and storage unit, in association with three miscellaneous treatment units, and treat from 0.23 short tons per day to 600 short tons per year in the remaining six miscellaneous units. The hazardous waste management units are located in Area 625 and in the Decontamination and Waste Treatment Facility (DWTF). All waste management units in these areas can also be used to store and treat hazardous wastes that may potentially have a radiological component.

The Department of Toxic Substances Control (DTSC) claims to have evaluated any potential environmental impacts associated with the continued operation of the site. On the basis of this analysis, DTSC prepared the draft Addendum to previously adopted Negative Declaration, which states that this document, "is the appropriate document to prepare for the proposed project pursuant to CEQA Guidelines section 15164(b) based on the determination that none of the conditions described in CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred." For the reasons detailed below, the analysis contained in the initial study is obsolete and inadequate. As such, this analysis cannot be used to support the issuance of the draft Addendum. On the contrary, the potentially significant environmental impacts associated with the project activities that are reasonably foreseeable probable future projects necessitate the preparation of an Environmental Impact Report (EIR).

General Comments

I. A full EIR on LLNL's Hazardous Waste Operations is needed

New information exists that is of substantial importance, which could not have been known at the time that the previous negative declaration was adopted, 16 years ago in 1999. This satisfies the CEQA Guideline requiring an EIR to be done.¹ Between 1999 and 2015, Livermore Lab's operations have significantly changed, including the development of an entirely new Decontamination and Waste Treatment Facility (DWTF), significantly changed lab operations and activities, and substantial new information has come to light regarding the existing environmental conditions. For this information, the DTSC properly looked to the 2005 Site Wide Environmental Impact statement (SWEIS). However, this inquiry does not satisfy the requirements of CEQA for the purposes of issuing a permit that will last for another decade since that report only looked at operations for the decade spanning from 2005 to 2015.

¹ Cal. Code Regs. tit. 14, §15162(a)(3)

CEQA requires an analysis of all of the cumulative impacts of a project.² An adequate cumulative analysis requires a list of projects producing related or cumulative impacts.³ The contents of this list are closely related past, present, and reasonably foreseeable probable future projects.⁴

Scientific and nuclear weapons programs, many of which produce hazardous and mixed radioactive waste, at Livermore Lab are constantly changing and evolving. The DTSC should not approach a Hazardous Waste Permit renewal for a research and development facility that produces novel and varied waste streams with the same approach as it does industrial production facilities that have consistent waste streams.

The limited analysis included in the Addendum to the Adopted Negative Declaration has no information on any programmatic changes (or proposed changes) or new activities planned at the lab during the permit period. Despite the lack of information, it summarily finds that “less than a significant impact to the environment” will result.

It appears DTSC made no inquiry into future activities at the lab or the agency presumed that activity at the lab will continue as it has for the past decade. That presumption, if made, is false. Many additional changes are planned for LLNL in the next decade, some of which are outlined in the 2015 Lawrence Livermore National Laboratory 10-Year Site Plan (TYSP).⁵ Additionally, TVC recently met with the DOE office of NEPA Compliance who informed us that preparation of a new SWEIS would/should take place in 2016. This illustrates that the DOE itself believes that the labs activities over the next 10 years will involve activities that could significantly impact the environment. “Projects that are undergoing environmental review are reasonably probable future projects. Any future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review should be considered as probable future projects for the purposes of cumulative impact.”⁶

II. The CEQA Addendum is obsolete and inadequate

The Addendum identifies that increases above the 2005 LLNL Site Wide Environmental Statement are expected for routine radioactive Low Level Waste (LLW) and temporary increases occurred in 2010 and 2011 for non-routine LLW and non-routine Mixed Low Level Waste (MLLW). Rather than analyzing the impacts of these increases, which have never been evaluated, the Addendum summarily asserts that the impacts of “these fluctuations and temporary increases” would be consistent with the cumulative impacts analyzed in the SWEIS and small, “compared to DOE/NNSA operation nationally or total waste in California annually.” No support to these assertions is offered, nor does a comparison to national agency operations or total waste in California assure that site specific increases in radioactive waste at Livermore Lab would not have the potential to significantly impact the local environment.⁷

² §15130

³ §15023.5(c)(1)

⁴ §15023.5(b); *See also* San Franciscans for Reasonable Growth v. City of S.F., 151 Cal. App. 3d 61, 74 n.13 (1st Dist. 1984).

⁵ The LLNL TYSP, published May 14, 2014, was surprisingly not cited by the CEQA addendum, though it was readily available during the preparation of that document. U.S. Dep’t of Energy, Nat’l Nuclear Sec. Admin., Lawrence Livermore National Laboratory FY2015 Ten Year Site Plan Limited Report (2014).

⁶ Gray v. County of Madera, 167 Cal. App. 4th 1099, 1127-1128 (5th Dist. 2008).

⁷ Dep’t of Toxic Substances Control, Cal. Envtl. Quality Act Addendum to Previously Adopted Negative Declaration, No. 97092041, Lawrence Livermore National Laboratory Hazardous Waste Facility Permit (2015).

The application has been written in such a general way that it is impossible to conduct a detailed technical review. The DTSC has prepared the CEQA Addendum for the basis of its decision. This implies that not much has changed in the operations of LLNL waste management activities. Yet, the application, used for the permit issued in 1999, for this facility, has gone from including many binders, to the current application that includes three volumes. The application has been stripped of all of the detail and necessary information. This lack of information allows LLNL huge flexibility to conduct activities that were not intended or previously allowed. For an example, the proposed application allows LLNL to become a full off-site facility. This will allow LLNL to take off-site wastes from hazardous waste producers other than Site 300. This is a huge change in the status of the facility. (See specific comment XIV)

Many places in the application generally refer to regulations and guidance with no site-specific information. This does not meet the intent of the regulations. LLNL's waste management facilities are complex and handle dangerous wastes. The regulations require that the facility provide detailed information for the regulatory agency to assess its impacts to human health and the environment. The DTSC could not have possibly conducted an adequate review of the operations because of lack of site-specific information in the application.

III. Earthquake Hazards are not adequately analyzed

LLNL is in the process of updating the seismic hazard potential for the Lab based on significantly revised USGS seismic information. It is known that the USGS has determined that substantially more seismic risk exists in the Livermore area than it previously had determined. These risks include liquefaction and more significant shaking. Moreover, while not yet released, LLNL is in the process of updating its own assessment of earthquake risks on site, an acknowledgment that the old assessment on which DTSC is relying is out of date. The Permit assumes that the DWTF and other areas covered by the permit are all compliant with seismic safety standards, which they may not be. This is especially concerning given that the Draft Permit allows incompatible hazardous wastes that do not contain free liquids to be kept 2.5 feet apart and stacked two barrels high. This distance seems very small for the potential hazards that would arise if the wastes come into contact with each other in a reasonably foreseeable earthquake.

According to the California Geological Survey's interactive fault map, LLNL lies directly in a Fault zone, and Landslide and Liquefaction zone. Liquefaction zone maps are intended to prompt more detailed, site-specific geotechnical investigations, as required by the California Seismic Hazards Mapping Act.⁸ According to the CEQA addendum in the draft report, there is no indication that any site-specific investigation was performed.

Most of the geotechnical logs that have been evaluated represent boreholes drilled into the floor of Livermore Valley. Collectively, these logs provide the level of subsurface information needed to conduct a regional assessment of liquefaction susceptibility with a reasonable level of certainty. Analysis of soil property measurements reported in the logs indicate that most of the boreholes penetrated one or more layers of liquefiable material where seismic stress ratio (CSR) is greater than the soils' seismic resistance ratio (CRR). Accordingly, all areas covered by loose, unconsolidated soil/sediments that is saturated within 40 feet of the surface are designated Zones

⁸ Seismic Hazard Zone Report 119, SEISMIC HAZARD ZONE REPORT FOR THE ALTAMONT 7.5-MINUTE QUADRANGLE, Alameda, California, 2009

of Required Investigation.⁹ Also, 21.7 percent of the Altamont Quadrangle (where LLNL is located) is lying within the earthquake-induced landslide hazard zone.

There was a recent earthquake this past month on the Hayward fault. While damage from the quake was minimal, scientists warn that a much larger one is expected on the Hayward Fault, which extends from San Pablo Bay in the north to Fremont in the south and passes through heavily populated areas including Berkeley, Oakland, Hayward and Fremont. The last big earthquake on the fault, estimated to have a 6.8-magnitude, occurred in 1868. Until the larger 1906 earthquake, it was widely referred to as the “Great San Francisco Earthquake.” The USGS shake map shows residents experienced some weaker shaking from this event in Livermore. Scientists believe that another big earthquake could happen on this fault at any time now.¹⁰ There is no analysis given for how LLNL is preparing for this type of event, whether on the Hayward fault or on other area faults capable of large seismic events.

Specific Comments

IV. Some observations from the tour of the DWTF on June 2, 2015.

The Wastewater Filtration Unit, aka the Dorr Oliver Unit. This machine, which has been at the lab since 1962, or 53 years, was acknowledged to “occasionally” leak. It is known to have leaked 20 years ago. There are several exposed areas where the contaminated water passes that are simply covered in plastic during operations. This unit, which is part of the permit, poses various pathways by contaminated water and vapor can be released. It is now a skid mounted portable unit and bare floor lies beneath it. We encourage DTSC to require some sort of catchment below this unit and require other modifications to prevent escape of contaminated water and vapor from this unit. In the alternative, the DTSC could require the unit’s replacement with more advanced technology that has enhanced worker safety controls.

Cal Fran Evaporator modules. One of the two modules was broken and largely disassembled. We want to make sure the DTSC is aware of the units’ problems and ensures that it is sufficiently repaired prior to reuse. Also we were told that the ISA evaporator is new and will be newly permitted under this renewal, but that is not explicit in the permit. It is not explicitly listed as a newly permitted unit.

Internal Inspection Process. According to the Permit, the RHWB personnel conduct inspections of the waste management areas. However when we spoke to RHWB personnel they informed us that they only inspect the “real property” i.e. the non-attached items in the facility, like the various permitted units. They described their relationship to the lab as landlord- tenant. The lab/landlord has facilities maintenance teams inspect the DWTF’s piping that connect the many treatment units (which includes hundreds of yards of pipes that move contaminated liquid and vapors) venting, roof, plumbing, etc. However, the facilities maintenance inspection schedule of the DWTF is not included in the permits “General Inspection Schedule”¹¹ which indicates that the DTSC is not aware of the Facilities Maintenance Inspection schedule or the general thoroughness of their preventative maintenance inspection regime.

⁹ Seismic Hazard Zone Report 119

¹⁰ USGS Scientist: Major Quake On Hayward Fault Expected ‘Any Day Now’ <http://sanfrancisco.cbslocal.com/2015/07/21/major-quake-on-hayward-fault-expected-any-day-now-fremont-earthquake/>

¹¹ U.S. Dep’t of Energy Nat’l Nuclear Sec. Admin., Lawrence Livermore National Laboratory, No. LLNL-MI-420944-Rev-9, RCRA Part B Permit Application, Volume 3, Attachment 2 (2014).

V. The Hazard Impact Analysis and Human Health Risk Assessments are inadequate

The hazard impact analysis in the Addendum does not take into consideration the potential for an intentional act. It again relies on the out-of- date SWEIS that did not take into account potentially increased levels of LLW and MLLW.

The DTSC based its decision on an old and outdated risk assessment that was conducted in 2010 using data from 2008. A new human health risk assessment using current information and protocols should be conducted. The application includes new units and operations and the risk assessment should evaluate future operations, including new units. The old risk assessment considered waste management units that have since been removed. The new risk assessment must evaluate the new operations and the effect of the removal of waste management units and air pollution control devices.

Also, Vol. 2 Sec. 5 of the application indicates nine miscellaneous units. The application does not contain enough technical information for evaluation of these units. Many of these units handle radioactive and hazardous wastes, including evaporation, and washing contaminated debris with hot water, etc. According to section 5.4, waste can be heated to 140 degrees F. There is not enough information to assess the adequacy of the air pollution control devices and what kinds of emissions are affecting the workers and others in the public from these operations. The application must contain enough information to evaluate the safe operation of the facility. The current application mostly contains trivial descriptions of operations and units that make the assessment of safety and impact to human health and the environment impossible. The application must be rewritten to provide relevant information.

The human health risk assessment does not evaluate waste management activities from transuranic radiological contaminated hazardous waste, commonly known as Transuranic (TRU) Mixed waste from nuclear weapons work. Additional shipments of TRU mixed waste to the Waste Isolation Pilot Plant in New Mexico are planned in the future in order to comply with the Federal Facility Compliance Act. WIPP, however, is presently closed to all waste shipments including from LLNL, and WIPP management has announced that its plans to reopen have been moved out to a future date yet to be determined. Thus, it may remain closed into the foreseeable future.

Also worth noting are that LLNL and Los Alamos National Laboratories (LANL) have similar operations and generate the same wastes. Recently, LANL's waste operations caused a serious accident that impacted worker's health and closed the Waste Isolation Pilot Plant, as noted above. LANL has been issued violations and required to pay millions of dollars in penalties. Has the DTSC conducted an investigation of how LLNL handles its similar waste? Are the operations safe and protective of human health and the environment? A new EIR analysis should evaluate impacts from TRU mixed waste activities and also the transportation corridor.

VI. There is inadequate information regarding the comingling of wastes that are regulated separately

The Draft Permit allows radioactive materials and pure radioactive waste (which are regulated separately) to be "managed" in the same areas and facilities as the wastes regulated by the permit. The Permit alleges that its conditions apply to the un-regulated waste to the extent that it is necessary to protect human health or safety or the environment. However, the public is left without any description of how this will be determined or whether the DTSC will even be informed when there are these radioactive materials or wastes present in the permitted areas.

VII. There is no indication of frequency of DTSC inspections

There is no indication of the anticipated frequency of DTSC inspections to enforce the many standards that apply in this permit. The history of inspections on the DTSC website also gives no clear indication since it shows that they are not conducted every year (no inspections in 2012 or 2014) and would seem to be completely arbitrary.

Has the DTSC conducted an investigation of how LLNL handles its TRU waste? Are the operations safe and protective of human health and the environment?

VIII. There is no analysis of the impact of the waste after it leaves Livermore Lab

There is no analysis of this impact other than the assurance that all applicable regulations will be followed during transit to its next location. We learned that most of the Labs hazardous waste goes to Clean Harbors in San Jose for additional treatment and eventual disposition into landfills. It would be useful to the public if DTSC permits outlined the eventual disposition of different waste streams so that the public is aware of where the generator's waste ends up. The Biennial Reports that are on the DTSC website are inadequate to show the actual hazards and what waste in particular is ending up in a certain location.

Also, Volume 3, Waste Analysis Plan does not contain enough information. Since there are many waste producers at LLNL, the Waste Analysis Plan must first contain a description of how wastes flow through the system and eventually are accepted into the waste management facilities on-site and off-site.

IX. The provided accumulation time limits are not clear as to how long waste can be held on-site

The Draft Permit Part V. Special Conditions #12 states: "The Permittees are authorized to store hazardous waste, including mixed waste not incorporated into the Site Treatment Plan (STP) that is incorporated by reference and attached to Compliance Order, HWCA 96/97-5002, 2/7/97, in the permitted storage units up to a maximum of *one calendar year from date of first acceptance* at any of the hazardous waste management units." (Emphasis added). According to LLNL, the permitted storage units are being used to store waste that is to be treated on-site but also to store waste that will be shipped off-site for treatment/disposal. "The wastes are either transferred to on-site waste management facilities for treatment, storage, and/or preparation for off-site disposal or to various offsite permitted treatment, storage, and disposal facilities."¹² These wastes are not treated in any way before shipment. "Except for empty-container crushing, hazardous wastes are usually not treated before off-site shipment to a licensed treatment, storage, and disposal facility"¹³

According to this permit and the practices currently being used at LLNL, this set-up could allow waste that will eventually be shipped off-site to remain on-site for up to 2 years. Waste in Satellite Accumulation Area's (SAA) must be shipped off-site (or possibly sent to treatment)

¹² U.S. Dep't of Energy Nat'l Nuclear Sec. Admin. DOE/EIS-0348 and DOE/EIS-0236-S3, Final Site-wide Env'tl. Impact Statement for Continued Operation of Lawrence Livermore Nat'l Laboratory and Supplemental Stockpile Stewardship and Mgmt Programmatic Env'tl. Impact Statement, Ch. 4.15.2 Waste Management (2005).

¹³ *Id.* at Ch. 4.15.2.3 Hazardous Waste.

within 1 year of 1st accumulation.¹⁴ LLNL's current practice is to keep waste in SAA's for up to 9 months.¹⁵ Waste is then moved to un-permitted Waste Accumulation Area's (WAA) where it can be kept for up to 90 days.¹⁶ LLNL's practice is to then move the waste to a permitted area to be held up to another year, both for treatment and/or shipment.¹⁷

This process is allowing them to keep RCRA Hazardous waste, which is to be shipped off-site for disposal, on-site for a year longer than is permitted by RCRA and the DTSC. Also, waste analysis is done before waste is transferred to the permitted area so it should already be known if that waste stream will be treated or shipped off-site before the one-year time limit expires.¹⁸

X. There is no available database or list of the current SAA's at LLNL

The public should be made aware of what the DTSC is doing to maintain compliance with these areas and the associated time limits. SAA's must comply with strict guidelines set by RCRA, the DTSC and the local Certified Unified Program Agency (CUPA) office. Using SAA's allows for LLNL to hold onto waste much longer than if they were to just use 90-day areas. These stricter guidelines are in place to prevent accidents that occur when waste is left for longer periods of time. Also, since LLNL already has a history of storing wastes longer than allowed, and has been cited at least 4 times for storing waste longer than 1 year, they should be looked at more closely to ensure compliance.¹⁹

XI. An Ecological Risk Assessment is needed

LLNL is home for endangered species including the red-legged frog. As required by regulation, an ecological risk assessment must be conducted to evaluate the impact on these species. 22 CCR, Specific Part B Information Requirements for Miscellaneous Units, requires "information on the potential pathways of exposure of humans or environmental receptors to waste constituents, hazardous constituents, and reaction products, and on the potential magnitude and nature of such exposures."

The DWTF includes Miscellaneous Units that have potential to impact the California Red-legged Frog, the California Tiger Salamander and the White-tailed Kites. The DTSC should prepare an ecological risk assessment as required by 22 CCR §66270.23(c) in order to evaluate the impacts to potentially affected biological receptors.

XII. There are unanswered questions with regard to Table A of the CEQA Addendum

The table includes many closures of hazardous waste management units and removal of air abatement systems.

1. What kind of wastes were the units treating?

¹⁴ *Fact sheet – Hazardous Waste Accumulation Time for Generators*, Dep't of Toxic Substances Control (August 2014), https://www.dtsc.ca.gov/HazardousWaste/upload/FS_OAD_Accumulation.pdf.

¹⁵ Interview with LLNL staff at tour on June 2, 2015.

¹⁶ U.S. Dep't of Energy Nat'l Nuclear Sec. Admin. DOE/EIS-0348 and DOE/EIS-0236-S3, Final Site-wide Env'tl. Impact Statement for Continued Operation of Lawrence Livermore Nat'l Laboratory and Supplemental Stockpile Stewardship and Mgmt Programmatic Env'tl. Impact Statement, Appendix B.1.2 Waste Management at LLNL.

¹⁷ *Id.*

¹⁸ U.S. Dep't of Energy Nat'l Nuclear Sec. Admin., Lawrence Livermore National Laboratory, No. LLNL-MI-420944-Rev-9, RCRA Part B Permit Application, Vol. 3, Sec 1. Waste Analysis Parameters and Rationale

¹⁹ Found during DTSC inspections in 2000, 2002, 2003, and 2004.

2. Did LLNL stop producing those particular waste streams? If not, how are these waste now being handled?
3. Where is the documentation for how these units were closed and disposed of? This information should be provided.
4. What effect did the removal of air pollution control systems have on human health and the environment?
5. Was the 2010 Risk Assessment revised to assess the removal of the air pollution control devices?

Table A also fails to list the closures of hazardous waste storage units: 612-5T1, 612-5T2, 612-5T3, and 612-5T4. Also not discussed are the closure plan, closure certification reports, DTSC acceptance of the closure certification report, and the permit modification to remove the units. Hazardous waste units previously in use are not allowed to disappear from the Hazardous Waste Facility Permit without following the closure process. This discrepancy must be reconciled before the permit may be issued.

XIII. Part A deficiencies

Part A lists almost all of the EPA waste codes, except for manufacturing facilities waste codes. Only wastes that are produced and need handling at the facility should be listed. Since LLNL is not an offsite commercial facility (LLNL receives wastes generated at Site 300 only) LLNL and the DTSC need to study and include only the waste types that have been produced in the past few years.

Part A also lists capacities of millions of gallons for storing and treating hazardous wastes. LLNL and the DTSC should study waste production rates for the past few years and only permit activities that are actually needed.

Finally, Part A includes a waste minimization certification. How has LLNL minimized its waste production in the past 15 years since the original permit was issued? There is no indication on what was done and what the results were.

XIV. Other specific examples of inadequacy in the application

1. It is not enough to mention, “Approved sampling devices are used following EPA or ASTM guidance to collect a representative sample . . .” These statements are meaningless without specific citations of guidance and detailed procedures for implementing the guidance. The facility must have detailed processes and procedures to implement the EPA and ASTM guidance method.
2. The Waste Analysis Plan is full of statements such as “when sampling homogenous solids, a representative sample is collected for analysis. Like liquid sample . . .” Again, this is meaningless without being accompanied by implementing procedures.
3. The Waste Analysis Plan, Sec. 4 states, “Existing waste streams are verified annually.” What is the process for this verification and what does it entail?
4. Vol. 3 Sec. 5.2 includes a process that is not explained in the miscellaneous treatment unit section in Vol. 2. The application should be concise and include all the information in appropriate sections. This new unit and a process are added to the application in an

inappropriate manner. The section does not provide enough information for evaluation of the process for protecting human health and the environment.

- a. What is a specially lined container?
 - b. How are the liner and lid liners sealed?
 - c. Is the container heated and/or cooled?
 - d. How is the container heated or cooled?
 - e. What is “low temperature”?
5. Vol. 3 Sec. 6 states, “Pursuant to 22 CCR §66264.13(c), occasionally LLNL receives off-site waste (e.g. from Site 300).” This section of Title 22 CCR is for off-site facilities. The section states, “For off-site facilities, the waste analysis plan required in subsection (b) of this section shall also specify the procedures which will be used to inspect and . . .” Has LLNL become an “off-site” facility? LLNL has been specifically allowed to receive waste from Site 300 only. The application clearly states that LLNL is going to be an off-site facility and it can receive wastes from anywhere. This is a major change in the status of the facility and in contradiction with the CEQA document. This change coupled with lack of specific information about the waste management processes will allow LLNL to receive waste and treat waste from anywhere, including dangerous wastes from other DOE facilities.
6. Vol. 3 Attachment 3, the stated reporting requirements are inadequate. It is not clear when LLNL will notify the DTSC in case of an incident in these facilities.
7. Vol. 3 Attachment 4, the closure plan as provided is not adequate and does not meet the requirements of Title 22 CCR §66264.111 through 66264.115. The section must include provisions that at the time of partial or final closure, LLNL must submit a detailed closure plan for review and approval. The detailed closure plan must consider future operations, spills, etc. The section does not contain enough information such as sampling and analysis plan for implementation as requires by the regulations.
8. The draft permit, Part V lists nine units that have been converted to “90-day generator accumulation areas.” Some of the units had been converted in 1999. DTSC Advisory No. PA 01-01 states:

“Purpose: To provide guidance, to be applied on a case-by-case basis, regarding the procedure for a delayed closure of hazardous waste management units that convert to generator accumulation only. The implementation of delayed closure is intended to be limited to facilities that cannot implement closure without shutting down the facility or seriously disrupting the facilities operations.”

How have the DTSC and LLNL demonstrated that closing the units will shut down the facility or seriously disrupt the facility’s operations? The nine areas listed have been in operation for a long time and could have contaminated soil and groundwater. To unnecessarily delay closure of these areas could be contributing to the spread of environmental contamination.

Conclusion

There is no support for the assertion that the proposed project activities could not have a significant effect on the environment since all reasonably foreseeable probable future projects were not considered. As such, the issuance of the draft Addendum to Previously Adopted Negative Declaration was not warranted. Instead, the potentially significant environmental impacts associated with continued operation of the Facilities necessitate the preparation of an

EIR pursuant to CEQA. The DTSC should also prepare an updated Health Risk Assessment that forecasts health impacts based on current and anticipated activities. Also, the entire Draft Permit should be re-evaluated and the deficiencies addressed.

Thank you for your consideration.

Sincerely,

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