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June 27, 2011

To Whom It May Concern:

Please accept this as a formal public comment from Conejos County Clean Water, Inc. ("CCCW") related to the Draft Environmental Impact Statement (DEIS) for the Disposal of Greater-Than Class C (GTCC) Low-Level Radioactive Waste and GTCC-Like Waste. CCCW is a 501(c)(3) non-profit citizens' group, based in Antonito, Colorado, that is incorporated under the laws in the State of Colorado.

Background of CCCW and relationship to the Affected Environment

In June of 2010, concerned citizens incorporated into a Colorado non-profit organization, called CCCW. CCCW incorporated to promote awareness around health and environmental issues that affect residents in Conejos County. In particular, to build awareness surrounding the transfer from truck to rail of radioactive, hazardous and toxic waste from Los Alamos National Laboratory (LANL) within 250 feet of the Rio San Antonio (River), a headwaters tributary to the Rio Grande (River).

CCCW is comprised of ranchers, teachers, small business owners, and concerned citizens. CCCW has a thirteen board member steering committee, and 402 general members.

The San Luis Valley (SLV) in south central Colorado is one of the largest sub-alpine Valleys in the world, encompassing over 8,100 square miles. Hemmed in on the west by the San Juan Mountains, and on the east by the Sangre de Cristo Mountains, the SLV ranges in elevation from 7,000 to over 14,000 feet, and contains the headwaters of the Rio Grande River. The Rio Grande River rises in the San Juan Mountains to the west of the SLV, flows south into New Mexico and Texas and empties into the Gulf of Mexico.

The SLV has many unique biological features, including areas identified as Natural Heritage areas, and is home to six endemic insect species.

The SLV is 122 miles long and 74 miles wide. This largely agrarian and ranching community is a relatively stable population. Many of the residents are eighth-generation. The oldest parish in Colorado, Nuestra Señora de Guadalupe, Our Lady of Guadalupe, lies at the southern end of Conejos County. Conejos County is part of the Sangre de Cristo National Heritage Area. About sixty percent (60%) of Conejos County's population is minority, and pride in the Hispanic heritage is evident in everything from the names of the rivers, mountains, and towns, to the local Spanish/English radio station. The median household income is less than half the national average at \$24,744, and 38 percent of the children live in poverty (US Census 2000).

The SLV is known for its potatoes and alfalfa, and also grows barley, lettuce, wheat, peas, and spring grains. It has been a farm and ranching community for over 150

years, and many of the residents work in agriculture, following in the footsteps of their parents and grandparents. Many of the farmers and ranchers still practice traditional methods. It is the highest irrigated mountain plateau in the world, with about 7000 high-capacity wells – over half of which are irrigation wells.

The SLV contains over 5 million acres, of which 3.1 million acres – about 59 percent -- are publicly owned (Forest Service, BLM, Fish & Wildlife Service, National Park Service, or state). Conejos County contains over 825,000 acres, of which 528,000 acres - about 64 percent – are publicly owned (Forest Service, BLM, Fish & Wildlife Service, National Park Service, or state). This creates an important relationship between the public and private sectors in dealing with air and water quality issues in the SLV and Conejos County.

There are 18 incorporated towns in the SLV, many of which are located along the Rio Grande or its many tributaries. Six counties lie within this large geographical boundary. They are Alamosa, Rio Grande, Saguache, Mineral, Costilla, and Conejos. There are 21 villages and five incorporated towns in Conejos County. Conejos County is among the poorest counties in the country, and unemployment levels run above the state and national averages (Conejos County 10.5%; as of 2008-not including the chronically unemployed).

Conejos County is a populated area within the SLV where the proposed actions in the DEIS for the Disposal of GTCC Low-Level Radioactive Waste and GTCC-Like Waste could potentially be impacted by waste transportation.

Draft DEIS Document

The Department of Energy (DOE) has released a DEIS for the Disposal of GTCC Low-Level Radioactive Waste and GTCC-Like Waste. Current regulations say that GTCC wastes should be disposed in a geologic repository. The only such site considered is the Waste Isolation Pilot Plant (WIPP), east of Carlsbad. Some other sites – including WIPP – Vicinity and LANL – are being considered for near-surface burial in “enhanced trenches,” vaults, or intermediate-depth boreholes. Other sites are Nevada Test Site, Hanford (WA), Idaho National Laboratory, and the Savannah River Site (SC). The DEIS also states that some non-DOE sites might be considered, but no such site is identified.

CCCW understands from the DEIS that GTCC waste is dangerous to humans and the environment for hundreds of years and is not generally acceptable for near-surface disposal. Low-level radioactive waste has four classes – A, B, C, and more highly radioactive GTCC. The DEIS discusses three types of GTCC:

- **Activated metals** from decommissioning the 104 commercial reactors and any new plants. The DEIS states that activated metals are 2,000 cubic meters by volume and 160,000,000 curies of radioactivity.
- **Seal sources** are radioactive materials enclosed in metal containers that are used to find oil and gas, test equipment and structures, and diagnose and treat illnesses. The DEIS states that sealed sources are about 2,900 cubic meters by volume and 2,000,000 curies of radioactivity.

- **Other waste** includes radioactivity contaminated equipment and trash. The DEIS states that other waste is about 6,700 cubic meters by volume and 1,3000,000 curies of radioactivity.

CCCW understands the DEIS also includes DOE “GTCC-like” waste – about 2,800 cubic meters by volume and 1,000,000 curies of radioactivity.

Many of Conejos County members speak Spanish only or Spanish as their first language, and it would be helpful to provide project information to them in the regional colloquial Spanish. We respectfully request public meetings in Conejos County with a local Conejos County Spanish translator should the proposed action in the DEIS impact our environment via transportation or transfer of GTCC waste from truck to rail or rail to truck. The document was very large and expensive to print out. CCCW would like to respectfully request that a summary document be created, comparative tables summarizing proposal and impacts for SLV only be created and both documents be available for the public to review and understand at public meetings. Of our 402 members only 70 have access to email and Internet, so CCCW would like to respectfully request that project documents be placed in libraries and post offices in Conejos County.

Purpose and Need

WIPP’s mission is limited by law to 175,564 cubic meters of transuranic waste from nuclear weapons. CCCW understands that is less than 5,000,000 curies of radioactivity. GTCC waste would be 30 times more radioactivity than planned for WIPP and would eliminate the ban on commercial waste. WIPP would then be the only

geologic disposal site and all GTCC waste would be transported through the SLV, Conejos County and New Mexico for many decades and buried at WIPP for an infinite time.

LANL buries its low-level radioactive waste in unlined trenches, pits and shafts at Area G. The final determination by DOE and the New Mexico Environment Department (NMED) of what happens to the hazardous and radioactive wastes at Area G has not yet been made and is a highly controversial issue. A decision to transport and bury GTCC waste would predetermine that other waste (which contain much less radioactivity) also could be buried there, posing a threat to groundwater for generations to come.

Public Health

CCCW would like to request that any GTCC waste disposal adequately address the health impacts from exposure to radioactive, hazardous and toxic waste; including, materials incidents, and transportation.

Array of Alternatives

The DEIS rejects the alternative that many people from around the country advocated for at DOE's GTCC scoping meetings in 2007. That alternative is "Hardened On-Site Storage" (HOSS) in which GTCC waste and irradiated spent fuel would remain at commercial nuclear power plants in long-term storage so that they can be monitored and are protected from aircraft crashes or terrorist attacks. Keeping the waste in HOSS would reduce the risk of accidents or a terrorist attack during transport. While HOSS is not a permanent solution, it would be more protective to human health and the environment than any of DOE's current dumping practices and the alternatives

presented in the DEIS. HOSS would be a safe way of storing wastes until a scientifically sound, publicly acceptable solution is found. Part of that future solution, of course, should be drastically minimizing the generation of those wastes. DOE's reason for rejecting HOSS is that it is "not a permanent disposal facility."

But the DEIS also does not include consideration of any geologic disposal facility, except WIPP, even though for almost 30 years federal law (Nuclear Waste Policy Act of 1982) has required development of one or more other repositories. The Nuclear Regulatory Commission has determined that spent nuclear fuel can stay at commercial reactors for up to 100 years. So GTCC could also remain at those sites for at least that time period.

Recommendations

"GTCC-like" waste is not subject to NRC requirements for geologic disposal. DOE should issue a supplement to its 1997 Final Waste Management Environmental Impact Statement to look at the reasonable alternatives for "GTCC-like" waste and other wastes for which long-term storage and disposal is not determined.

CCCW would like to request that a representative from the Town of Antonito and the Conejos County Board of Commissioners be added as cooperating agency officials for further NEPA analysis for GTCC waste should the transportation impact Conejos County. Thank you for your careful consideration of CCCW's comments. Please keep us informed of any upcoming public meetings in the SLV and Conejos County. We can be reached via email at info@conejoscountycleanwater.org.

Respectfully submitted,

Mary Alice Trujillo, Chair

Andrea Guajardo, Board Member

Cc:

Gail Schwartz – State Senator

Ed Vigil – State Representative

Erin Minks – Representative for U.S. Senator Mark Udall

Brenda Felmlee – Representative for U.S. Congressman Scott Tipton

Charlotte Bobicki – Representative for U.S. Senator Michael Bennet

John Sandoval – Conejos County Commissioner

Mike Trujillo – Antonito Town Mayor

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