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

Please use the subject line: 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 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 (Cr-6) plume and how it will negatively impact the land, water, and communities who rely on the Española Basin Drinking Water Aquifer. Twenty years since Cr-6 was discovered in the groundwater, and DOE still fails to produce workable plans for protecting the region’s drinking water. The extent and depth of the plume remain unknown, and serious concerns have been raised about re-injecting treated water into the plume.

So serious were these concerns that the New Mexico Environment Department (NMED) ordered the Department of Energy (DOE) to halt injections on March 31, 2023. The public deserves a satisfactory 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.

**The Draft Environmental Assessment is premature and must be withdrawn**

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 here is incomplete, vague, and technically deficient. Accordingly, the agency must withdraw the EA and prepare a more detailed Environmental Impact Statement (EIS).

**The draft EA must include multiple plans for consultation with public stakeholders**

Prior to the Environmental Assessment stage, the process requires NMED and DOE to reveal all of the following: a preferred alternative for remediation, a Statement of Basis for how to proceed from NMED, 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.

**Adaptive Site Management excludes the public**

DOE claims that using Adaptive Site Management, or ASM, allows it to change tactics, techniques, and to remediate measures 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. This proposal for ASM underscores the extent to which the hexavalent chromium problem and the proper strategies for cleaning it up remain unknown. ASM will allow DOE-EMLA to make decisions about the cleanup without prior and informed public disclosure, including approval from state regulators and crucial input from the public-commenting process.

For example, on February 6, 2024, NMED authorized DOE-EMLA to begin reinjecting treated water into the plume at two injection wells. This authorization was granted absent public notice or an opportunity for public comment. The fact that this has already happened underscores my concern. Substantive language must clearly articulate that the public be involved in “adaptive site management” measures.

**Segmentation must be avoided**

The National Environmental Policy Act (NEPA) warns against segmentation, or dividing environmental analyses into smaller parts, which can then be approved one at a time without looking at the big picture. We don’t know the big picture because NMED has not decided on its preferred alternative for remediation, nor a final remedy determination. EM-LA must explain why it is not waiting for the NM Environment Department to make its regulatory decisions.

**More history must be provided**

Given the extensive history of the Cr-6 plume, the draft EA must provide a history of the successes and failures in addressing the Cr-6 contamination, as well as the ins and outs of other regulatory processes involved. This must include NMED groundwater discharge permits DP-1793 (land application of treated waters) and DP-1835 (extraction and reinjection of treated waters); a description of the 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.

**DOE ‘Option 3’: Mass removal via in-situ treatment**

**must not be considered as an option**

This was tried already with molasses and sodium dithionite in 2017. The molasses clogged up the works and caused the need for an expensive new replacement well.

**DOE ‘Option’ 4: Monitored natural attenuation**

**must not be considered as an option**

Letting hexavalent chromium spread in the environment must not be an option. DOE has already poisoned the drinking water. It must responsibly remove the poison to prevent further harm to the land, water, and public.

**The Chtomium-6 contamination needs to be treated at the source**

DOE’s preferred method of pump and treat does not remove the contaminants at the source. Therefore, DOE may need to pump and treat for a century or more, which is unlikely given budget uncertainties and human frailness. To truly protect the environment and precious groundwater resources, and in the long run to save American taxpayer money, trucking or pumping treated water uphill to flush out the CR-6 contamination at the source should be analyzed and considered.

**Make all reference documents available to the public on the DOE website**

All reference documents must be available online, including all letters, at the time the draft EIS is released for public review and comment.

Thank you for your careful consideration of my comments.

[Name, city, state]