

Public Comment Period Begins (Again) on Livermore Lab's Hazardous Waste: State Announces Virtual Public Meeting

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Posted by Scott Yundt

Tri-Valley CAREs has monitored Livermore Lab's hazardous waste management, and its many problems, for four decades. The Lab handles, stores and "treats" hazardous and significant quantities of mixed radioactive waste (which means its radioactive stuff and hazardous stuff mixed together) in various buildings around the Livermore Main Site.

These wastes are regulated by the State of California's Department of Toxic Substances (DTSC). After a 6-year delay, the DTSC began the Hazardous Waste Permit Renewal process for Livermore Lab's Main Site back in 2016. The permit governs the quantities of waste storage locations, the treatments performed, and much more.

Importantly, that permit had to be revised in response to the first round of comments and appeals from Tri-Valley CAREs and other stakeholders.

These revisions, (which took the DTSC another 3 years to complete) are now ready for public review, comment, and a (virtual) public meeting.

In the coming weeks, Tri-Valley CAREs staff and membership will carefully review the revised permit renewal documents. We will offer the public a preliminary analysis at our monthly meeting on Thursday, November 18th at 7:30pm PT. We have also invited DTSC to give a short presentation at the beginning of our meeting. Our November Zoom link is: <https://us02web.zoom.us/j/81817980617?pwd=bFdvdUpTUEVzc0hhVEhaRk1sbnAyZz09>

Here is a link to the permit documents:

(https://www.envirostor.dtsc.ca.gov/public/hwmp_final_documents?global_id=CA2890012584&link_key=1641&document_category=PUBLIC+COMMENT&event_description=Renewal+%2D+With+Changes+%2D+PUBLIC+COMMENT+%28BEGIN%29&mytype=pa)

Sign on comments will be posted on the Tri-Valley CAREs website (www.trivalleycares.org) in the coming weeks. All interested parties are encouraged to review the permit documents, check out our sample comments, contact us with questions or things that are important to you, and draft unique comments to add to any of those you wish to submit to DTSC from our sample "template."

The DTSC will accept written comments until February 4th by mail sent to Elena Espada, DTSC Project Manager 700 Heinz Avenue, Berkeley, CA 94710 or via email to Elena.Espada@DTSC.ca.gov. She can also be reached by phone at her office at (510) 540-3779.

Additionally, the virtual public meeting, where oral comments can be made, will be held by DTSC on December 9th at 6:30pm PT via Zoom. Please sign up in advance using this link:

https://dtsc-ca.gov.zoom.us/webinar/register/WN_3Dduls7QSDmNmLL_E_WtWA

Background

Tri-Valley CAREs and hundreds of other commenters were very critical of the inadequate and poorly prepared draft permit during the original public comment process in 2016. We formally petitioned the DTSC to review certain aspects of the agency's permit decision.

In July 2018, a DTSC Permit Appeals Officer issued a Final Appeals Decision and **Order** on Tri-Valley CAREs' Petition for Review of the final permit decision for the DTSC's Hazardous Waste Facility Permit for Lawrence Livermore National Laboratory's Main Site.

The Permit Appeals Officer's job included reviewing a very complicated administrative record compiled over the first 3 years of the process. This included: The Hazardous Waste Permit (which was issued on April 30, 2015); [Tri-Valley CAREs' Comments](#) to that permit (made orally on June 3, 2015 and in writing on August 3, 2015); [The DTSC's Responses to Comments \(March 9, 2016\)](#); Tri-Valley CAREs' Petition for Review of the Permit (submitted April 21, 2016 in response to the DTSC's Final Permit Approval) (see attachment, below); The DTSC Permit Appeals Officer's "Order Partially Granting Petition for Review and Denial of Review" (Issued December 1, 2016 and granting only some of our issues review); Tri-Valley CAREs' Appellate Brief (February 13, 2017) (see attachment, below) and the DTSC Permitting Division's Brief (April 3, 2017).

The Permit Officer did not agree with all of the commenters' arguments, but did agree that there were significant flaws in the Permit that require it to be remanded back to DTSC's Permitting Division to correct. Specifically, the Permitting Division agreed to "correct, and in some instances expand, the Permit sections concerning the air impacts of miscellaneous units, macroencapsulation of waste, delayed closure, and permit modifications."

This victory by Tri-Valley CAREs is the basis for the current circulation by DTSC of a revised hazardous waste permit for Livermore Lab. As noted, it was our members' public comment as well as our staff work that scuttled issuance of a deficient permit in 2016. Tri-Valley CAREs believes that a more stringent hazardous waste permit is essential to worker and community safety alike. As you can imagine, lax permit requirements can lead to accidents and releases.

We encourage you to get involved, and hope to see you at the Tri-Valley CAREs virtual meeting on Thursday, November 18 as well as at the DTSC virtual public hearing on Thursday, December 9.

Here are links to relevant documents

Public Notice - Draft Revised Permit Comment Period	2021-10-21 LLNL Livermore Draft Revised Permit Public Notice_ADA.pdf	196 KB
Public Notice - Draft Revised Permit Comment Period Spanish	2021-10-22 LLNL Livermore Draft Revised Permit Public Notice Spanish_ADA.pdf	201 KB

Draft Revised Permit Documents List	2021-10-29 LLNL Livermore Draft Revised Permit Documents List.pdf	162 KB
Revised Permit Renewal Application (tracked edits)	2021 LLNL S200 RCRA Permit Renewal Application_(Redline) Rev 1_Redacted.pdf	78011 KB
Revised Renewal Application supporting information	2021 LLNL HRA Supplemental Analysis_Redacted.pdf	5145 KB
Renewal Application supporting information	2010 LLNL HRA for Haz Waste Treatment and Storage.pdf	7222 KB
Draft Revised Permit	2021-9-30 LLNL Draft Revised 2016 Permit_ADA.pdf	10552 KB
Draft Revised Permit Fact Sheet	2021-9-30 LLNL Livermore Draft Revised Permit Fact Sheet_ADA.pdf	1965 KB
2016 Permit Appeal Final Order	LLNL Final Appeal Order 7-18-2018 redacted.pdf	18889 KB
Comment 47 Info (ref. Appeal Comment 9)	RTC Comment 47 Excerpt (with notes).pdf	179 KB
CEQA - Addendum to 1999 IS/ND	2021-10-21 LLNL Addendum to Neg Dec RDP-DTSC_ADA_Redacted.pdf	162 KB
CEQA - 2015 EDA	2015-4-28 LLNL Livermore Env'l Document Analysis_Redacted.pdf	2835 KB
CEQA - 1999 IS/ND	LLNL Livermore 1999 Initial Study-Neg Dec (Original Permit)_Redacted.pdf	4414 KB

CLICK HERE for Tri-Valley CAREs' Appeal to DTSC of the Lab permit
CLICK HERE for Tri-Valley CAREs' Petition for Review