Community Groups Ready to File Suit over LANL Clean Water Act Violations

May 23, 2006. Albuquerque -- Citing significant violations of the Clean Water Act at the Los Alamos National Laboratory (LANL), a group of six New Mexico community organizations today filed a Notice of Intent to Sue the U.S. Department of Energy and the Regents of the University of California. The Notice is required by law and gives the defendants an opportunity to respond prior to an actual filing.

“LANL Water Watch came together to hold LANL accountable for more than 60 years of contamination that now threatens our future drinking water supply,” said Kathy Sanchez, director of Tewa Women United, one of the community groups. “There are more than 1400 documented contaminant sites at LANL, and every time it rains or snows, these contaminants move through our canyons and springs to the Río Grande. LANL needs to take immediate and effective action to protect our waters,” she said.

Matthew Bishop, of the Western Environmental Law Center and legal counsel for LANL Water Watch, said that the impending law suit was based on four specific violations of the Clean Water Act: failure to conduct adequate monitoring; failure to report violations; failure to have pollution controls in place, and making unauthorized discharges.

“The result of these failures is that toxic contaminants are migrating to the Río Grande, the future source of drinking water for Albuquerque and Santa Fe,” he said.

At a site on the Río Grande, Bishop called the pollution a catastrophe waiting to happen. “In addition, the Río Grande continues to be used for fishing and farming all along its length, enabling dangerous contaminants to get directly into the food chain.”

Bishop said that countless studies by the New Mexico Environment Department (NMED) and LANL itself show that New Mexico’s future water supply is being threatened by a number of pollutants, including PCBs at more than 25,000 times the New Mexico Water Quality Standard protective of human health. Other toxins of critical concern include hexavalent chromium (the same carcinogenic compound featured in the Erin Brockovich movie), nitrates, fluoride, perchlorate (a chlorine-based chemical linked to thyroid dysfunction), high explosives, and numerous radioactive elements.
“In addition,” he said, “there is an urgent need to call attention to the U.S. Department of Energy’s proposed budget for fiscal year 2007, which results in a $90 million shortfall for clean-up of contaminated sites. This drastic slash in funding would make it extremely difficult for LANL to meet federal Clean Water Act requirements or comply with the NMED Consent Order, which requires full and complete clean up of sites by the year 2015.

“The Consent Order was formally signed by the NMED, LANL and DOE on March 1, 2005” Bishop said. “But without the funds, it’s an empty promise.”

Sanchez said that LANL Water Watch hoped the lawsuit would result in LANL honoring its commitments. “We want zero contaminants discharged from LANL, we want it to honor the Order on Consent with NMED, and we want them to implement Best Management Practices for discharges and dumping,” she said.

“And, we want Federal and State regulators to hold LANL accountable,” she said.

Sanchez stated that LANL Water Watch hoped that total fines from prior and on-going violations would be vigorously pursued, paid in full, and allocated to complete and effective independent monitoring and remediation of the sites in question to prevent future contamination of our waters.

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Organizations in LANL Water Watch are Amigos Bravos, Concerned Citizens for Nuclear Safety, Embudo Valley Environmental Monitoring Group, Partnership for Earth Spirituality, Río Grande Restoration, and Tewa Women United.

**Amigos Bravos** – Protecting and restoring New Mexico's rivers since 1988.

**Concerned Citizens for Nuclear Safety** – protecting all living beings and the environment from the effects of radioactive and other hazardous materials now and in the future.

**Embudo Valley Environmental Monitoring Group** – Focuses on the public and environmental safety issues related to air emissions generated by LANL activities.

**Partnership for Earth Spirituality**: An interfaith group of people working for care of God's creation through reflection, education and action.

**Río Grande Restoration** – Focuses on the depletion of surface water on the Rio Grande.

**Tewa Women United** – A civic group empowering women from the Northern New Mexico Pueblos.

Representing LANL Water Watch, the **Western Environmental Law Center** is a non-profit, public interest law firm dedicated to protecting the land, sky, water, wildlife and culture of the West.