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Ron Furlan
Department of Environmental Protection
Southeast Regional Office
Lee Park Suite 6010
555 North Lane
Conshohocken, PA 19428

Re: DEP Pottstown Landfill Pubic Hearing

Dear Mr. Furlan:

For the record, I am in support of well-managed environmental and waste operations that protect the health and safety of their employees and the public. I believe waste facilities should strictly adhere to all environmental and radioactive waste regulations and that those facilities not only comply with the letter of the law but meet the intent of the law as well. But this I mean, I am not for approaching environmental law like tax law, looking for loopholes. Environmental laws were created to protect people's well being and should be adhered to as such.

What I'd like to address is the elevated tritium levels in the Pottstown landfill's leachate. These levels have been recorded to be as high as 100,000 pCi/L. This leachate is a composite of all wastes collected from a single cell and therefore can be assumed to be diluted with other wastes. Assuming a dilution factor of 1,000, a very conservative number, would mean that there is a source of tritium in the landfill that is at least 100,000,000 pCi/L and probably more. According to 10CFR61.55 and 10CFR61.56, by definition, that material is a Class A and even possibly a Class B radioactive waste.

Waste Management's argument that their leachate is below release limits and therefore is permissible does not mean someone did not illegally dispose of a radioactive waste at the Pottstown landfill. NRC regulates radioactive material at its source and does not permit dilution as an acceptable method for meeting disposal criteria. Dilution in a landfill is no different than dilution at the pipe. "Dilution is not the solution to pollution," and that loophole is not acceptable for any waste disposal practice, no matter what agency is appointed regulatory authority.

Because the Pottstown landfill is considered permanent disposal and not temporary storage, and because a low level radioactive waste has been permanently disposed there, the Pottstown landfill now meets NRC's definition of a low level waste disposal site. It may meet the definition, but none of the criteria. Why should other radioactive waste generators have to bear the expense of meeting NCR's stringent waste disposal criteria and send their waste to a permitted disposal site engineered with sophisticated containment barriers, while those in Pottstown can simply haul their waste to the dumpsite and claim fair play by diluting it with other wastes?

The proposed Pottstown landfill monitoring plan attempts to address prohibiting permanent disposal of radioactive waste from time going forward, but does not address identifying and pinpointing the source of radioactive contamination already there.

What is required is:

- 1) NRC involvement since the landfill now meets the definition of a low level radioactive disposal site. Under the existing NRC/EPA MOU, authority for radioactive waste disposal and radioactive/mixed waste disposal transfers to the NRC once radioactive material is mixed with other wastes, and DEP's jurisdiction to permit such waste is immediately void. Continuing to permit the landfill places DEP in violation of EPA's authorization to regulate environmental laws in this state.
- 2) Characterization of the entire Pottstown landfill, including lined and unlined cells. This includes complete and comprehensive soil, leachate, and groundwater testing. Because radioactive material has been detected in the landfill, it is NRC's responsibility to direct Waste Management to identify the sources of those materials, remove them, and dispose of them in a permitted, adequately contained low level waste facility. If Waste Management does not agree with this assessment, it is also their responsibility to provide hard data to prove it.

Because I believe that under current law, the regulation of Pottstown landfill should be the responsibility of the NRC and not DEP, I am requesting the NRC, who was not represented at the hearing in January, to respond to my comments as well as the DEP.

Thank you for the opportunity to comment on the Pottstown landfill radiological detection plan. I am looking forward to hearing back from you.

Sincerely,



Irene Meisel
Environmental Engineer

cc: Nuclear Regulatory Commission