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May 16, 1997

Mr. Kenneth M Hargis
Program Manager
Waste Mangement Program
P.O. Box 1663 MS J591
Los Alamos, New Mexico 87545

Subject: Response to letter received March 31, 1997 regarding the re-characterization of "Soil with Heavy Metals" - request for Removal from Site Treatment Plan (STP) signed by H.L. "Jody" Plum with attached certification signed by Kenneth M. Hargis and H.L. Plum attesting to the truth, accuracy and completeness on the information provided in the letter.

Dear Mr. Hargis:

Thank you for your letter to Ms. Janice Archuleta in response to request for specific information to support the U.S. Department of Energy and Los Alamos National Laboratory/University of California request to reclassify forty-seven (47) fifty-five (55) gallon containers containing soil wastes previously classified as low-level mixed waste by DOE/LANL/UC and requiring treatment under the STP in response to NMED's Order under the authority of the Federal Facilities Compliance Act (FFCA).

DOE/LANL/UC response to Question #1 from Ms. Archuleta: HRMB does not consider employee interviews alone as sufficient basis for establishing the homogeneity of th waste streams within the waste stream subsets contained in the forty-seven (47) fifty-five (55) gallon drums. HRMB could accept this kind of substantiation with accompanying scientific/analytical support data on atleast a limited drum sample set for each waste stream.

TA-2 WASTE STREAM

DOE/LANL/UC rationale for the homogeneity of this waste stream does not meet the accepted concept of homogeneity which is that the material has a uniform structure or composition throughout. The non-uniformity of the rubble, soils and concrete mixtures would not allow for a homogeneous mixture of wastes to allow for the appropriate representative samples to be analytically processed to justify all drummed wastes to be declassified. Soils, rocks and concrete rubble would retain contaminates differently and analyze differently at a laboratory. The representativeness of samples for each waste is called into question by not determining the

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amounts or amount of each separate contaminate holding substrate within the sample selected.

TA-35 WASTE STREAM

DOE/LANL/UC state that "The four drums from this waste stream consists of two waste stream subsets." HRMB believes that if there are only four 55 gallon drums of this waste as stated then sampling and analyzing four drums in a statistically valid manner should not constitute a hardship for DOE/LANL/UC. If the statement is really intended to state that the four drums were selected as representative for the entire waste streams or subset waste streams then the comments for the TA-2 waste steam apply. Also please clarify if the cite to the EPA sampling/analysis position was based on a very specific waste stream description form the DOE/LANL/UC to EPA when soliciting EPA opinion on sample set size and methodology. Please provide the name of your EPA contact so that HRMB may discuss this issue directly with that individual.

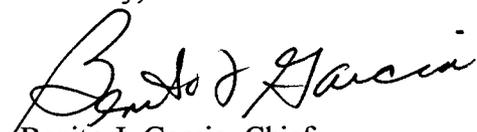
DOE/LANL/UC response to question #2 from Ms. Archuleta: The rationale for the representativeness of samples and the subsequent mathematical support for the waste streams is called in to question based on the questionable homogeneity of the waste stream or subset waste streams as currently supported by DOE/LANL/UC. HRMB can understand that the mathematical work up itself is correct but HRMB questions the sample data that the mathematical support utilizes in arriving at conclusions based on questionable homogeneity and representative samples for waste streams or subset waste streams.

DOE/LANL/UC response to question #3 from Ms. Archuleta: The data submitted previously for the TA-2 waste stream will be re-evaluated by HRMB to determine the adequacy of that data as a substitute for analytical data from representative, homogeneous samples from the wastes within the 55 gallon drums. Samples obtained as part of site characterization prior to any site disturbance and/or cleanup may be acceptable, however any samples obtained after site disturbance and/or cleanup are not acceptable.

DOE/LANL/UC response to question #4 from Ms. Archuleta: This response again calls into question the issue of homogeneity for the waste streams or subset waste streams contained in the drums since homogeneity of streams would reasonably dictate that radio nuclides would also be in homogeneous distribution and produce uniform dose rates from disparate wastes in different drums containing the samed waste streams or subset waste steams.

Please address your response to me on these observations as quickly as you are able to pursue closure on this issue. Should you have questions please contact me at your convenience at (505) 827-1557.

Sincerely,



Benito J. Garcia, Chief

Hazardous and Radioactive Materials Bureau