

Subject: April 27 Meeting Minutes

Date: Tue, 2 May 2000 08:24:04 -0700

From: "Munyon, Kelly" <Kmunyon@theitgroup.com>

To: benz@enzinc.com, bosheim@doeal.gov, eliza_frank@nmenv.state.nm.us, gian@lanl.gov, jee@lanl.gov, jstetson@doeal.gov, jvozella@doeal.gov, lee_winn@nmenv.state.nm.us, Margaret Reneau <Mreneau@theitgroup.com>, michael_chacon@nmenv.state.nm.us, olingerb@lanl.gov, Robert A Lechel <RLechel@theitgroup.com>, sherrard@lanl.gov

Red LANK FFC/2000

Attached are the meeting notes from our April 27, 2000 meeting, as well as Jack Ellvinger's revised list of permit development tasks. Please let me know if there are corrections or clarifications needed in the meeting minutes.

Thanks,
Kelly A. Munyon
IT Corporation
235 Central Park Square
Los Alamos, NM 87544
Phone: 505-661-5755
Fax: 505-661-5222
email: kmunyon@theitgroup.com

*not reviewed for
corrections +
clarifications*

*Lee Winn
5/5/00*

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LANL PERMIT WORKING GROUP MEETING

MEETING MINUTES

Date: April 27, 2000
Location: NMED HRMB Conference Room, 2044 Galisteo, Santa Fe, NM
Topic: Permit Planning / Scheduling, General Part B, and TA-16 Permit
Attendees: Michael Chacon, NMED/HRMB
Eliza Frank, NMED/HRMB
Lee Winn, NMED/HRMB
Bob Enz, Enz, Inc., representing DOE/LAAO
Gian Bacigalupa, LANL, ESH-19
Jack Ellvinger, LANL, ESH-19
Ann Sherrard, LANL
Kelly Munyon, IT Corporation

Today's meeting agenda included the following major items:

- General plan/schedule for development and issuance of new LANL permit
- General Part B Request for Supplemental Information (RSI) issues and schedule
- TA-16 permit issues and schedule

Planning/Scheduling – General Discussion

The meeting began with a presentation of the proposed schedule – a generic schedule of activities for permit document preparation was presented, as well as a specific schedule for the TA-16 permit (Note: hard copies of the finalized schedules will be delivered the week of May 1, 2000 for inclusion with these meeting minutes).

In reviewing the schedule, Michael Chacon expressed concern regarding the timeframe for public notice and whether sufficient time was allowed in the schedule. Jack Ellvinger stated that LANL's objective was to meet the schedule through submittal of the draft document, but if HRMB needed to adjust the schedule for draft permit/public notice, they could do so. He offered that if LANL could assist with facilitating the public notice process (assistance with mailings, additional copies, etc.), LANL would do so.

Lee Winn indicated that HRMB's legal department will review the draft document concurrently with the HRMB permit writers and technical staff, which will help us stay on schedule.

Lee Winn expressed concern regarding the schedule for the General Part B RSI response. Gian Bacigalupa indicated that he would be prepared to have responses to the RSI in draft form by May 15th. A 30-day extension on the formal RSI response is being requested by LANL, extending the deadline to the end of May.

Lee Winn stated that she cannot deem the General Part B as technically complete at this time, and would prefer to do one review for both administrative and technical completeness. The group agreed that one review addressing both administrative completeness and technical adequacy would be reasonable. A concern was raised about linkage between the administrative completeness and technical adequacy reviews and the timing on the public notice. Jack Ellvinger explained that these were separate actions; i.e., HRMB could issue the letter deeming the document complete and technically adequate, at which

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point HRMB can request the fee from the facility, with no linkage to the public notice letter. In relation to TA-16, the fees have already been paid.

Lee Winn expressed concern that there may not be adequate time for working group meetings and interaction in the schedule. Kelly Munyon and Jack Ellvinger stated that there does not need to be a distinct break between the activities shown on the schedule. For example, reviewing issues from the application can run longer; working group meetings and comment resolutions can run together.

TA-16: Appropriate level of detail for closure plans was discussed. HRMB may need to require more detail. Jack Ellvinger stated that HRMB can write in language that the closure plan needs to be amended to add specific details before the facility proceeds with the closure activities, if they want to close within the 10-year life of the permit. The operating life of TA-16 will go well beyond the permit. Gian Bacigalupa indicated that operational flexibility is important to the facilities.

In terms of staying on schedule, Lee Winn and Jack Ellvinger came to agreement that if there are conditions written into the draft permit by HRMB with which LANL takes issue and consensus cannot be reached, it will not hold up the process. LANL will submit comments, request administrative hearings, etc. during the public comment period.

Lee Winn posed a question regarding the adoption of new public involvement regulations – Will these impact the permit? Gian Bacigalupa, per information from Stu Dinwiddie, did not think they would be published in time to impact this process for TA-16. Lee Winn to confirm with Stu Dinwiddie.

The group discussed protocol for copying EPA Region 6 on submittals. LANL has not been sending them. Lee Winn will check on this. Gian Bacigalupa referred to an HRMB letter within the last 2 months indicating that we need to send 2 copies to the EPA. Eliza Frank will check with John Kieling to see what the process is with LANL ER Project regarding document submittals to EPA. We will try for a parallel process with LANL ER Project. Dave Neleigh, EPA Region 6, is the recipient for all LANL documents. Lee Winn stated that EPA has said they don't necessarily need to review the application, just the draft permit. Jack Ellvinger said that LANL would provide extra copies of the permit documents, but NMED should transmit.

In a general discussion of the General Part B, Gian Bacigalupa agreed to provide a list to Lee of all modifications and revisions to the General Part B.

Concerning the comment resolution period identified in the schedule, Lee Winn will check on availability of the State Library conference room between May 31st and June 5th for the comment resolution meetings. If the permit working group needs to meet before that period, Lee will secure an HRMB conference room. The conference room at the IT Corporation facility will be considered as a backup.

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Discussion concluded that for TA-16, copies will be distributed as follows:

Copies: 2 EPA
 4 HRMB
 3 DOE
 5 UC (2 ESH-19, 2 ESA-WMM, 1 UC-Legal)
 3 IT
 17 total

Electronic copies will be provided for the final.

The draft permit may be posted on the NMED website, which needs to be considered as we structure the document. NMED may need more copies of the final document for the public comment period, which LANL will provide.

Jack Ellvinger will revise dates on the summary he presented and distribute to the permit working group. (Note: the revised summary is included along with these meeting notes.)

The meeting minutes will be taken and distributed by Kelly Munyon. They will be prepared and distributed via e-mail within a 2-day timeframe, checking receipt confirmation and distributed by fax as a backup. Any issues/changes by working group members can be sent back via e-mail and the meeting minutes with changes will be re-distributed to the committee members.

For final document delivered by LANL, both redline/strikeout and clean copies are requested by Lee Winn.

Per Jack Ellvinger, at the conclusion of the mailing, LANL/IT will essentially have completed their tasks. HRMB picks up with draft permit and public notice.

TA-16 Discussion

Michael Chacon's draft RSI letter was discussed. Michael stated that the format appeared to have changed greatly from the version that he had previously reviewed and a lot of information had dropped out from Revision 2.0 to 3.0. Gian explained that the change was a result of following the permit format guidance issued by Stu Dinwiddie in 1998. Both Revisions 2.0 and 3.0 are part of the administrative record; thus, the information in both can still be used and referenced.

Specific Questions/Issues:

1. Information from Revision 2.0, Section 2.1.2, Biological Description, is missing. Michael C. raised a problem with referring back to Revision 2.0. He finds that section informative and useful, and feels the public would want to know how operations at TA-16 would affect the environment. As Gian Bacigalupa had explained, cutting the information was in line with the new permit format, which streamlined the permit application content.
Ann Sherrard will provide updated biological information in an informal response to the draft RSI.

Jack Ellvinger stated that we will provide any information requested for inclusion in the administrative record, but some information should not necessarily be included in the permit.

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2. Section 2.1.8, concerning liquids in containers and 270.15.b.1 requirements – how does the facility verify absence of free liquids in containers? Michael Chacon would like to see a process for verification of that statement. Applies to container storage at TA-16-88. LANL will provide a discussion about waste characterization documentation.
3. Section 2.1.10 – Special Requirements for Ignitable, Reactive, and Incompatible Waste, specifically the requirements of 264.176 and 177(c) – Michael would like to see sketches, drawings, data regarding how these wastes are being segregated. How are we meeting the requirements at TA-16-88? LANL will provide the requested information in the informal response.
4. Attachment A, Section A.2.2 – Traffic Volumes – described as “light”. Can we be more precise. Give an estimate number of cars per week (< 10 cars per week was discussed as a reasonable estimate).
Gian Bacigalupa and Ann Sherrard stated that they will provide this estimate in the informal response to draft RSI.
5. Location Information – Seismic Standard – HRMB’s attorney, Karen Fisher, is researching. Michael Chacon referred to guidance which indicates that a renewed permit for a facility (whether new or existing) is subject to the seismic standard requirements. Gian Bacigalupa has been waiting for more specifics on this guidance before proceeding with any change in course on this requirement. Michael Chacon indicated that Karen is still working on this issue. Gian Bacigalupa stated that the mixed waste management units at TA-16 were operational prior to effective date of the regulations and thus are treated as existing units.
6. Attachment F-2, Closure Plan, Burn Ground: 264.112(b)(4) requires a detailed description of steps needed to close the unit. This attachment refers the reader to the General Part B for discussion of sampling and analysis. Michael Chacon indicated that it may be too generic. Gian Bacigalupa and Ann Sherrard discussed that language could be added to indicate that the detailed steps will be added to the plan when the decision is made to close the unit and prior to the actual time of closure. Lee Winn will look into this approach with their management.

Michael Chacon will consult with Stu Dinwiddie regarding the closure language and level of detail required. For now, the issue is “parked”.
7. Security and Barriers: Michael Chacon asked whether “livestock” includes deer and elk, for the purposes of environmental protection? Ann Sherrard stated that the perimeter fence of the facility is intended to keep livestock out, but they do not intend to block the deer and elk; the intent is to let them roam through. Ann mentioned programs that are in place regarding management of the resident elk herds on LANL property and protective measures for wildlife. Michael Chacon indicated that a discussion about these programs should be provided – Ann agreed to provide this information.
8. How do we know what is in the ER/D&D waste? Per Ann Sherrard, they apply the same process as any other waste: WPF, sampling and analysis, disposal request. Waste is not accepted

 
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without this procedure. Reference response to item 2, regarding documentation of waste characterization.

9. H-2, 7.6 Prev. Procedures and Equipment: How do waste handlers know the physical/chemical properties? Ann Sherrard explained that there is an OSHA-driven HAZCOM program in place that addresses this. Ann will prepare a paragraph summarizing discussion.
10. H.2.7.7 Prevention of Accidental Ignition/Reaction: Michael Chacon would like to see language on how waste is protected. He suggests sketches, drawings, and language, etc, like the earlier questions. Ann Sherrard will provide information from the DOE Safety Manual and get Michael C. a web addresses for information

Jack Ellvinger asked if a formal RSI could be avoided by providing quick turnaround for informal responses. Michael Chacon stated that this approach is feasible.

To facilitate the process, Michael Chacon will provide copies or web address for other OB permits in the state.

General Part B Discussion

Lee Winn further discussed their closure plan concerns. She felt that the sampling discussion in the General Part B is too general. It was discussed, however, that the General Part B is essentially a placeholder for information and repository for references. Specific information will be presented in the TA-specific documents.

General Part B issues not specifically raised in the RSI:

Section F.2.1.1 – improve the generic soil and sediment sampling discussions.

Lee Winn has identified a concern with the last bulleted item under the “Trowel or Scoop” sampling discussion - Problem is combination of samples.

Gian Bacigalupa will send suggested replacement language.

General Part B RSI Discussion

Gian Bacigalupa is in the process of preparing the response to the RSI. The following is a summary of responses being prepared for each item in the RSI. Refer to the RSI for the specific information request.

1. Section F.1.9 – If clean closure cannot be achieved, a post-closure care plan will be prepared and submitted as a permit modification request.
2. Section B.1.1 – p. B-25. We need to clarify that this is a paraphrase of the EPA WAP guidance, not a direct quote. Lee Winn indicated that it is acceptable to cut information that is not applicable to LANL, but do not add in examples and other information that does not appear in the guidance. Rearrange paragraph and cite reference at bottom of p. B-24, indicating examples are “derived” or “paraphrased”.
3. Supplemental Process Knowledge. May need to define MTRU parameters more specifically.

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4. Gian Bacigalupa indicated there is no problem with addressing the issue. He suggests rewriting and bringing the language up-to-date with the WIPP permit.
5. Clarify 1st paragraph of WAP to say that specifics are in the TA-specific application.
6. Editorial – will be addressed.
7. LANL concurs – Gian is working on it.
8. Gian will paraphrase from appropriate LIR to address the issue.
9. Reference issue. References will be updated.
10. Gian Bacigalupa indicated that there is no problem addressing this issue.
11. LANL will respond to question. The LANL WAP language is consistent with RCRA recordkeeping requirements.
12. No problem with this issue - LANL will provide information.
13. WIPP update. LANL will provide information.
14. Offsite Waste Acceptance. Gian Bacigalupa indicated that the discussion was too generic and more detail will be written in.
15. LANL will produce flow diagram for off-site waste acceptance. LANL will look at this specifically for each facility sending waste from off-site. For now, will at least give the information for SNL. Acceptance of waste from other facilities not currently identified will require a permit modification.
16. Gian Bacigalupa proposes taking the wording out.
17. Gian Bacigalupa indicated that the language is anticipating that we will be accepting offsite waste in the future. LANL would prefer referencing our own WAP rather than WIPP WAP, because (1) LANL's WAP is the permit document for compliance and (2) LANL anticipates other facilities and non-TRU waste acceptance procedures.

As the meeting came to conclusion, action items were reviewed and clarified.

TA-16 PERMIT DEVELOPMENT SCHEDULE

TEAM MEMBERS:

- Michael Chacon, NMED
- Lee Winn, NMED
- Gian Bacigalupa, UC
- Ann Sherrard, UC
- Jack Ellvinger, UC
- John Stetson or Bob Enz, DOE
- Kelly Munyon, IT Corp
- Peggy Reneau, IT Corp

- **Kickoff Meeting** **4/20/00**
 - NMED Staff review General Part B & TA-16 Permit Application
 - IT Corporation begins development of the draft documents
 - LANL working on the response to the RSI for the General Part B
 - LANL requests a 30 day extension for the RSI
- **Initial Meeting** **4/27/00**
 - Development of time line and map for activities to complete task
 - Discuss initial concerns on TA-16 and the General Part B
 - Highlight any issues that would help in the development of the documents
 - Discussion of revisions and upgrades beyond the RSI. Originally these were discussed as being submitted in the RSI response but with new schedule it makes more sense to incorporate them into the draft documents
 - Decide on location for HPT meetings - insure location availability
 - Important to have meetings in same location each day
 - Libraries have meeting rooms
 - LANL has an extension in Santa Fe which might have a meeting room
 - Availability of flip charts, white boards and pens, lap top computers, etc
 - Provide status/progress reports every two weeks to NMED/UC/LAAO
- **Develop documents** **5/1/00 thru 5/16/00**
 - Continue the review of the General Part B and the TA-16 application
 - NMED Legal review of the General Part B and the TA-16 application
 - LANL continues to work on the response to the RSI for the General Part B
- **Delivery of documents to NMED and LANL** **5/17/00**
 - LANL will also deliver a draft of the RSI response at this time so it may be reviewed by NMED. The extension for the RSI was to gather info that will not be included in the permit documents but would help clarify the WAP issue.
- **Review & Comment** **5/8/00 thru 5/30/00**
 - NMED reviews documents

- NMED Legal reviews of documents
- NMED internal coordination of documents comments
- EPA Region VI Review and Comment
- UC & DOE review of document
- Legal review (UC & DOE) of documents
- Coordination of comments by LANL
- **Comment Resolution** **5/31/00 thru 6/5/00**
 - Remember the goal, development of a draft permit within a short timeframe
 - Presentation of comments and concerns by NMED, UC, DOE
 - Tackle toughest issues first, therefore, prioritize all comments
 - Remember not all issues must be resolved (both parties can modify the permit once issued)
 - Allow time for consultation with staffs
 - Bring in "experts" to respond to issues (i.e. UC operational personnel, NMED WAP experts)
 - Record all meeting notes. A copy of the notes will be provided to each team member for their review and approval. No more than 2 working days will pass before notes will be made available. The approval of notes will be a key item on the agenda for that day.
- **Incorporate Changes & Develop Final Product** **6/6/00 thru 6/12/00**
 - IT Corp takes all negotiated changes and incorporates them into the document
 - IT Corp generates the final product
 - Hard of the final product are generated
- **Deliver Product to NMED** **6/13/00**
- **NMED Final Review** **6/14/00 thru 6/21/00**
 - NMED reviews final product for confirmation of all changes
 - NMED legal makes a final review of the final product
 - If changes are required based final reviews IT Corp is available to make them
 - Final hard copies and electronic copies of the draft permit are generated as per the new NMED protocol
- **Develop Public Notice** **6/21/00 thru 6/29/00**
 - NMED Makes its Administrative & Technical Completeness Determination
 - NMED develops the public notice
 - NMED prepares the notice for mailing using the facility mailing list
- **Public Notice Draft Permit** **6/30/00**
 - Mailing is done
 - Notice in the appropriate publications is made.