

United States Government

Department of Energy

Albuquerque Field Office

memorandum

APR 15 1993

DATE:

REPLY TO
ATTN OF:

ERPO:KB:mtgnotes.mar

SUBJECT:

Monthly Status Meeting Notes

TO: S. Slaten, Environmental Scientist, ES&H, LAAO
S. Umshler, Engineer, ES&H, KAO

The Monthly Status Meeting for New Mexico National Laboratories was held on April 2, 1993, in Santa Fe, New Mexico. Attached are notes from this meeting. They are lengthy, but please try to read over them for accuracy, especially with regard to action items agreed to. At the May meeting any necessary corrections can be made.

The agenda for the May meeting will be sent out in early May. Please send agenda items for the May Monthly meeting by April 30, 1993. This will allow time for coordination of items between the Laboratories, DOE, Environmental Protection Agency, and New Mexico Environment Department.

The tentative dates and locations for the next two meetings are:

- May 13 in Santa Fe, New Mexico
- June 24 in Dallas, Texas

If you have any comments on the meeting notes, schedule, or anything else regarding the New Mexico National Laboratories Monthly Status Meeting, please call Kelly Bitner at FTS (505) 845-4606.



Kelly A. Bitner
Acting Branch Chief
Laboratory ER Projects Branch
Environmental Restoration Project Office

Attachment

cc w/attachment:
See Page 2

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Addressees

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Barbara
Please review
& comment *Bonito*
APR 15 1993

cc w/attachment:

- J. A. Ahlquist, EM-452, HQ
- W. F. Spurgeon, EM-452, HQ
- R. Harris, EM-452, HQ
- K. A. Carlson, KAO
- G. K. Laskar, KAO
- T. E. Blejwas, Org. 7024, SNL/NM
- W. B. Cox, Org. 7025, SNL/NM
- J. L. Bellows, LAAO
- T. J. Taylor, LAAO
- J. Vozella, LAAO
- A. J. Tiedman, ADO, MS A120, LANL
- T. C. Gunderson, EM-DO, MS J591, LANL
- R. W. Vocke, EM-13, MS E517, LANL
- J. P. Shipley, Jr., AET MS F641, LANL
- K. A. Bitner, ERPO, AL
- J. F. Levings, ERPO, AL

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RECALL WITH S/N/K AND PRIOR

Addressees

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cc w/attachment:

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NEW MEXICO NATIONAL LABORATORIES MONTHLY STATUS MEETING
ENVIRONMENTAL PROTECTION AGENCY (EPA)
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1) CORRECTIONS TO NOTES

- ~ B. Driscoll (EPA) provided some handwritten corrections and N. Weber (NMED/AIP) stated that the DOE AIP contact is Dennis Olona, not Tracy Loughhead.
- ~ The notes will be revised and re-issued based on these corrections.

2) AIP ROLE

- ~ N. Weber (NMED/AIP) described the role the AIP staff should play in the ER Program with respect to DOE and EPA.
- ~ The AIP staff are technical and not involved in enforcement or compliance decisions. However, because most of the AIP staff is in the Hazardous and Radioactive Bureau, their role can be confused.
- ~ In meetings such as this the enforcement staff should be more active and the AIP staff should have less active involvement. ?
- ~ AIP staff should have the ability to listen, but not enforce. Their primary responsibility is ensuring that DOE facilities are in compliance with federal and state laws. Enforcement will be through the Hazardous and Radioactive Bureau. materials
- ~ S. Slaten (DOE/LAAO) noted that at LANL, AIP comments are transmitted with a cover letter signed by K. Sisneros (NMED) requiring a response within 30 days. When AIP opinions come through the enforcement staff with requirements for response, it is not clear that AIP is not taking an enforcement role.
- ~ N. Weber suggested that future letters will be worded differently, although because K. Sisneros (NMED) has responsibility for both enforcement and AIP, she has the choice of making the AIP comments an enforcement action.
- ~ S. Slaten (DOE/LAAO) stated that from the DOE perspective, it would be much clearer if the AIP comments came from N. Weber (NMED/AIP) and enforcement letters came from enforcement staff.
- ~ S. Slaten (DOE/LAAO) provided the opinion of LANL legal staff regarding State

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(S. Slater)
Statement

HSWA authority. Although the State has adopted all federal RCRA regulations (including HSWA) as their own, HSWA enforcement can not be invoked unless the State issues a HSWA permit. This is the same as for EPA, who can not require HSWA Corrective Action until a permit is issued. Therefore, unless the State issues a HSWA permit, there is no HSWA enforcement authority. However, the State is a very important stakeholder, and DOE will make every effort to work with the State and address their concerns.

- ~ B. Hoditschek (NMED/) stated that is DOE's legal opinion, and she does not have the State's legal opinion. She committed to finding out what the State's legal opinion is on this subject.
- ~ T. Taylor (DOE/LAAO) offered an example of how the AIP staff in Texas work. An enforcement staff and an AIP staff visit Pantex together. Comments from that visit addressed to the DOE AIP Coordinator are AIP comments. Comments addressed to the DOE Compliance chief are enforcement. T. Taylor (DOE/LAAO) suggested that the AIP vs. enforcement could be clarified based on who the correspondence is addressed to rather than who it was sent by. At LAAO, the AIP Coordinator is Diana Webb, and enforcement letters would go to Jerry Bellows.
- ~ N. Weber (NMED/AIP) said that the overall AIP protocol requires establishment of a Point-of-Contact (by letter). If this was done it may not require much of a change to implement T. Taylor's (DOE/LAAO) suggestion. The changes might be more appropriate in the Site-Specific Protocol than in the overall protocol.
- ~ Several examples of problems caused by timing of EPA and AIP comments in conjunction with the 30 day response requirement were discussed.
- ~ B. Garcia (NMED/) stated that the specific mechanics of the AIP will be worked out with D. Webb (DOE/LAAO) in the site specific protocol.
- ~ B. Driscoll (EPA) said that the EPA role is very clear: EPA has authority to issue Notices of Deficiency and approval of plans and reports. EPA coordinates with the State, but can not hold up approval for State input. For example, EPA is ready to approve the work plans for OUs 1144 and 1148, but has not received any State comments on these work plans.

time
state law
HSWA authority
whether we
have to issue
permit list to
get it is
unclear
called
training

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- ~ B. Garcia (NMED/) stated that the AIP should not be telling EPA whether to approve a document or not, that is the enforcement arm's role.
 - ~ Commitments made to improve the situation were:
 - S. Slaten (DOE/LAAO) and T. Taylor (DOE/LAAO) will review and finalize the Site-Specific AIP Protocol.
 - B. Garcia (NMED/) will discuss with K. Sisneros the issue of AIP vs enforcement correspondence.
 - D. Katzman (NMED/AIP) will try to coordinate AIP comments more closely with EPA comments.
 - S. Slaten (DOE/LAAO) will include all the attachments with correspondence that is copied to the State.
- 3) NEXT MEETINGS
- ~ May 13 in Santa Fe, hosted by LANL and June 24 in Dallas.
- 4) DISCUSSION OF 4/1/93 MEETING ON LANL ER TECHNICAL APPROACH
- ~ This meeting provided an overview of the LANL ER Program technical approach. Representatives from the EPA, State, DOE and LANL attended. The meeting was precipitated by the Stage 2 sampling plan prepared for TA-1, which followed the technical approach described in the Installation work Plan (IWP).
 - ~ It was recognized during this meeting that there are fundamental assumptions that are the basis of the decision process presented in the IWP. The principle stakeholders (DOE, EPA, and NMED) must "buy in" to these assumptions and the decision process in order for the ER Program to progress.
 - ~ At the 4/1 meeting, it was suggested and agreed to that a task force be formed to examine the assumptions. The task force would consist of representatives from DOE, EPA, NMED, LANL and SNL/NM. The first meeting was set for April 7 in Dallas and would focus on assumptions for No Further Action sites in TA-1.

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5) LANL PERMIT MODIFICATION STATUS

- ~ A permit modification request was submitted to EPA in February. The modifications requested included a staggered schedule for work plan submittal, language clarification, and adds SWMUs.
- ~ S. Slaten (DOE/LAAO) explained that the comment period for the permit modification was announced from March 23 to May 23. There will be two public hearings (Los Alamos and Santa Fe) in the middle of the public comment period. The hearings will start in the afternoon, have a dinner break, then have an evening continuation.
- ~ S. Slaten (DOE/LAAO) stated that it is clear that the EPA will not be able to approve the modification on or before May 23 (the due date for 10 work plans), LAAO will write a letter to EPA requesting an extension. The letter will not be written until after the public hearings in order to have an idea of the amount and type of public comments that will be received.

6) MIXED WASTE DISPOSAL FACILITY (MWDF) UPDATE

- ~ T. Taylor (DOE/LAAO) said that start of Title I design was authorized by DOE approximately 2 weeks ago. An Architect/Engineering firm has started working on it.
- ~ T. Taylor (DOE/LAAO) further stated that a determination of the level of NEPA documentation required has not been made by DOE/HQ, but is expected soon. In response to a question from D. Katzman (NMED/AIP), T. Taylor (DOE/LAAO) said that a letter describing the NEPA determination will be sent to the State and to neighboring tribes as soon as the determination is made.
- ~ T. Taylor (DOE/LAAO) said that the schedule now calls for a draft permit application by early fall (Sept/Oct).

7) WORK STATION UPDATE

- ~ B. Vocke (LANL/EM-13) handed out examples of a calendar that LANL is developing in conjunction with SNL/NM. This calendar will provide information on all sampling events planned. It will be sent to NMED and EPA by hard copy

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until the work stations are installed. Then it will be available electronically.

- ~ K. Bitner (DOE/AL) requested that NMED decide where the one work station to be provided by DOE will be located -- in the White Rock AIP office or in Santa Fe. B. Vocke (LANL/EM-13) stated that an option is to put the work station with access to the GIS in White Rock and a modem to Santa Fe to provide just the calendar. The calendar is proposed as the method for notifying EPA and NMED of sampling events, as required in the permit.
- ~ B. Driscoll (EPA) inquired about the time frame for installing the work station at EPA offices in Dallas. B. Vocke (LANL/EM-13) committed to finding the answer to the question.
- ~ W. Cox (SNL/NM) explained that SNL/NM database access will be different from LANL's, although the same work station can be used. SNL/NM will provide a work station at the BDM building for NMED/AIP use until the hardware/software is finalized. Then a work station will be placed in the NMED/AIP offices in Albuquerque.

8) NESHAPS COMPLIANCE

- ~ At LANL, NESHAPS compliance is a big issue in the Federal Facility Compliance Agreement (FFCA) that is currently being negotiated. Until it is finalized, decisions regarding characterization of individual sites must be made by LANL.
- ~ B. Driscoll (EPA) said that she had spoken to an EPA Air Quality person who indicated that they considered the issue resolved. B. Driscoll (EPA) committed to checking with the EPA Air Quality Division to see if written documentation is required.

9) TA-3-30 MERCURY SWMU

- ~ A revised sampling plan was submitted to the State and EPA. Field work will start immediately after approval of the plan.
- ~ B. Driscoll (EPA) stated that review of the plan was high on the priority list and she would try to review it next week. NMED also said that comments would be

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provided next week.

- ~ A. Puglisi (NMED/AIP) commented on the treatment options described in the plan. It was his understanding that the options had been discussed and narrowed down to one in a previous meeting. He was concerned to see a schedule slip for examining treatment options after this had been discussed.
- ~ S. Slaten (DOE/LAAO) offered that DOE and LANL would like to discuss any comments in order to short-circuit the comment/response cycle for this SWMU.

10) RISK ASSESSMENT IN TOWNSITE SAMPLING

- ~ B. Driscoll (EPA) explained that the EPA region is developing approach for corrective action following proposed Subpart S. Finalization of this strategy has been held up to include the concept of the Corrective Action Management Unit (CAMU) concept.
- ~ B. Driscoll (EPA) further explained that the regional strategy currently has the following steps: 1) define if a release has occurred, 2) define the extent of the release, 3) prepare a CMS if an action level in Subpart S is exceeded, 4) risk assessment, if done, must be part of the CMS process, and 5) risk assessment can only be done during the RFI phase if it the data collected also defines the extent of the release.
- ~ S. Slaten (DOE/LAAO) stated that the cost of the LANL ER Program would go up by \$0.5 billion if sites can not be proposed for No Further Action based on a risk assessment done in the RFI stage (which is the LANL approach described at the meeting on April 1).
- ~ In response to a comment, B. Driscoll (EPA) recognized that Subpart S is more flexible, but that EPA Region VI is developing this regional strategy that it will require at all Region VI sites.
- ~ B. Vocke (LANL/EM-13) explained that the LANL approach is to do a risk assessment during the RFI stage if an action level is exceeded. Extent of a release is required to complete the risk assessment. LANL would like to propose sites for No Further Action in the RFI phase rather than in the CMS.

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- ~ S. Slaten (DOE/LANL) asked at which point(s) in the Regional Corrective Action strategy can risk assessment be used to propose No Further Action at a site? B. Driscoll (EPA) committed to finding the answer from the Regional Strategy Committee.
- ~ D. Katzman (NMED/AIP) noted that in conversations with some OUPLs their understanding of the process was to identify if a release has occurred in the Phase 1 of the RFI, but Phase 2 of the RFI is intended to collect mean average concentration, not to determine the extent.
- ~ S. Slaten (DOE/LAAO) suggested that it may not always be necessary to determine the extent if you have enough process knowledge to calculate the inverse problem. For example, if it would require 100,000 gallons of benzene at a particular site to generate an unacceptable risk along any of the potential pathways, and you have documented knowledge that only 100 gallons of benzene were ever used at the site then defining the actual extent may be unnecessary. The Assumptions Task Force will work on this.

11) QUARTERLY REPORT

- ~ D. Katzman (NMED/AIP) stated that NMED would like to receive copies of the Quarterly Report. N. Weber (NMED/AIP) said that the AIP protocol requires that four copies of all documents be provided to him and one copy to the Site AIP Point-of-Contact. S. Slaten (DOE/LAAO) committed to adhering to the AIP protocol.
- ~ B. Driscoll (EPA) noted that timeliness is a problem as she just received the Quarterly Report for the last quarter of FY92.
- ~ B. Driscoll (EPA) committed to looking at the SNL/NM permit to see if the Quarterly Report can be delivered after the end of the quarter or if it is due at the end of the quarter (which would require not including part of the quarter in the report).

12) PUBLIC INVOLVEMENT

- ~ B. Swanton (NMED/AIP) offered that feedback on the Hanford Future Use study was that it was well done. It could be used as a model to develop LANL land

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use assumptions.

- ~ The Keystone Group report will be issued mid-April. EPA will hold six 1-day workshops at the regional offices in May.

13) STATUS OF FRAMEWORK STUDIES

- ~ L. Maassen (LANL/EM-13) described the framework studies. The principle objective is to provide site-wide geologic information for consistency and to prevent non-duplicative work.
- ~ This past year samples of soil, tuff, sediment, and water were collected and analyzed. A draft report will be available in a couple of days presenting this data.
- ~ In addition, faults have been instrumented to measure the flow of surface water along faults; an aquifer performance test was performed in the main aquifer; samples from the main aquifer were collected for isotope geochemistry; and methods are being developed to measure flux in tuff.
- ~ A report on the hydrogeology will be finalized in mid-April.
- ~ ER will present a second day-long technical session on may 26.
- ~ The framework studies technical teams review the work plans, but hopefully will move into writing portions of the work plans.
- ~ L. Maassen (LANL/EM-13) committed to providing a list of all the projects the technical teams are working on to the AIP.

14) CORRECTIVE ACTION AT SWMUs THIS SUMMER

- ~ B. Vocke (LANL/EM-13) said that the planned actions for this summer are: USTs, ordnance area in TA-0, Area P landfill closure, and a townsite septic system.
- ~ B. Vocke (LANL/EM-13) stated that notification of sampling activities planned for this spring has already been made. The weekly calendar which will update

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the notifications made will be started soon.

- ~ D. Katzman (NMED/AIP) suggested that the readiness reviews include visitors protocols. N. Weber (NMED/AIP) stated that the AIP protocol requires that the AIP office at each site write their own Health and Safety Plan.

15) CORRECTIVE ACTION MANAGEMENT UNIT (CAMU) CONCEPT

- ~ W. Cox (SNL/NM) said that SNL/NM would like to establish CAMUs at the lab in order to make progress on the ER Program. The CAMU rule has decision points and a seven step process with decision criteria. W. Cox (SNL/NM) suggested a working group to apply the process. K. Bitner (DOE/AL) suggested that SNL/NM form an internal working group to develop proposals for applying the process and present the proposals in this meeting.
- ~ B. Driscoll (EPA) suggested waiting until Region VI has finished the regional strategy which will include the CAMU. EPA plans to get input from Region VI states on the regional strategy prior to finalization.
- ~ Incorporating the CAMU into a permit will require a Class III modification and the review time is about the same as for a Part B.
- ~ B. Driscoll (EPA) committed to reporting on the status of the CAMU rule within Region VI at the next meeting.

16) SNL/NM MORATORIUM ON MIXED WASTE GENERATION

- ~ S. Umshler (DOE/KAO) said that the moratorium has been lifted in some areas, but not for ER waste.

17) PRIORITY ORDER FOR REVIEW OF SNL/NM WORK PLANS

- ~ W. Cox (SNL/NM) gave the order as: Liquid Waste Disposal System, TA-3/5, Septic Tanks and Drainfields, and Mixed Waste Landfill.

18) METHODS OF VOC ANALYSIS

- ~ W. Cox (SNL/NM) said that a work plan and a closure plan, one review by

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NMED enforcement and one reviewed by AIP had different recommendations for the analytical methods for VOC analysis. W. Cox (SNL/NM) asked if there was a consensus on the right method for VOC analysis. B. Driscoll (EPA) said that the 2nd edition of SW-846 is the authorized version. Use of other versions would require a variance.

19) BACKGROUND CONCENTRATIONS

- ~ W. Cox (SNL/NM) is concerned with how to define background, particularly with respect to the Chemical Waste Landfill. Should the background be defined on a site-wide basis or on a SWMU-by-SWMU basis.
- ~ W. Cox (SNL/NM) said that an approach has been drafted. K. Bitner (DOE/AL) suggested that SNL/NM request a peer review of the draft approach by LANL. The it can be presented to DOE, and finally EPA and NMED.

20) CONVENTIONAL VS UNCONVENTIONAL WELL CONSTRUCTION METHODS

- ~ W. Cox (SNL/NM) said that an unconventional well construction (Westbay) had been proposed for the Chemical Waste Landfill, and the proposal had been rejected by NMED. What criteria can be used to make unconventional methods acceptable to NMED and EPA.
- ~ S. Slaten suggested that SNL/NM propose some criteria and bring those to the meeting for review and comment.

This draft to use unconventional wells was not supported by any data indicates the well construction would be more efficient etc. Chemical Waste Landfill was delayed for years. SNL's proposal in the well construction would be more efficient etc.

Monthly Regulatory Staff Meeting

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Neil Weber	NMED/DOE Oversight	827-4252	827-4361
Ted Taylor	DOE/LAAO	665-7203	665-4504
Steve Slaten	DOE/LAAO	665-5050	665-4504
Bob Vocke	LANL/ER	667-0808	665-4646
WARREN Cox	SNL/ER/7051	848-0411	848-0417
Sue Umshtler	DOE/AL/KAO	845-6671	845-4710
Danny Katzman	NMED/AIP	665-7127	665-7425
Benito Garcia	NMED	827-4358	827-4361
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