

United States Government

Department of Energy

**memorandum**

Albuquerque Operations Office

DATE: **AUG 23 1994**

REPLY TO  
ATTN OF: ERPO:JL:EPAMIN.JUN

SUBJECT: Minutes from June Joint Monthly Status Meeting and Revised April Meeting Minutes

TO: T. J. Taylor, Environmental Restoration Program Manager, ES&H, LAAO  
J. E. Gould, Environmental Scientist, ESH&CB, KAO

Attached are the minutes and agenda for the June 22, 1994 joint monthly status meeting with the U.S. Environmental Protection Agency. Also attached are revised minutes from the April 20, 1994 meeting.



Karen L. Boardman  
Branch Chief  
Laboratory ER Projects Branch  
Environmental Restoration Project Office

3 Attachments

cc w/attachments:

A. J. Ahlquist, EM-452, HQ  
W. F. Spurgeon, EM-452, HQ  
E. S. Merrill, EM-452, HQ  
W. B. Cox, Org. 7581, SNL/NM  
H. J. Jansen, EM/ER, MS M992, LANL  
D. J. McInroy, EM/ER, MS M992, LANL  
R. S. Houck, ERPO, AL  
J. F. Levings, ERPO, AL  
L. A. Trujillo, ERPO, AL

B. Driscoll  
RCRA Permits Branch  
U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Suite 1200  
Dallas, TX 75202-2733



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Addressees

cc w/attachments:

N. Morlock  
RCRA Permits Branch  
U.S. Environmental Protection  
Region 6  
1445 Ross Avenue  
Suite 1200  
Dallas, TX 75202-2733

K. Sisneros  
Water and Waste Management Division  
New Mexico Environment Department  
1190 St. Francis Drive  
Santa Fe, NM 87503

B. Garcia  
Hazardous and Radioactive Materials Bureau  
New Mexico Environment Department  
1190 St. Francis Drive  
Santa Fe, NM 87503

B. Hoditschek  
Hazardous and Radioactive Materials Bureau  
New Mexico Environment Department  
525 Camino do Los Marquez  
Santa Fe, NM 87502

N. Weber  
DOE Oversight and Monitoring  
New Mexico Environment Department  
1190 St. Francis Drive  
Santa Fe, NM 87503

B. Swanton  
DOE Oversight and Monitoring, LANL  
New Mexico Environment Department  
c/o LANL, MS M993

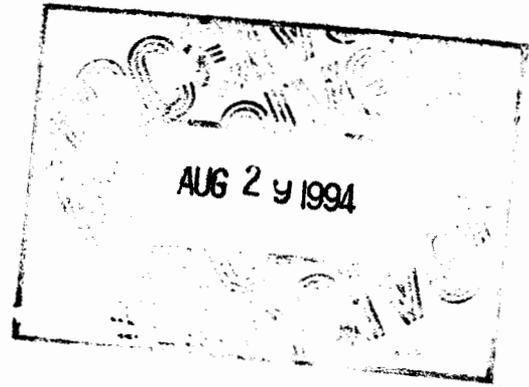
T. Michael  
DOE Oversight and Monitoring, SNL/NM  
New Mexico Environment Department  
1190 St. Francis Drive  
Santa Fe, NM 87503

E. Schumacher  
NMED (KAO)



*Ron K. [unclear]  
Barbara [unclear]*

AUG 2 5 1994



AGENDA  
NEW MEXICO NATIONAL LABORATORIES  
MONTHLY STATUS MEETING

June 22, 1994  
Dallas, Texas

Status Items	10:00a	
- Regulator Summit Meeting		Levings
- EPA/NMED Resouce Status		Trujillo
Future of New Mexico Laboratories Monthly Meetings	10:00a	
- Lessons-learned/suggestions from previous meetings		All
- Frequency/subject matter for future joint meetings		All
LUNCH	11:15a	
LANL-specific Issues	12:00a	
- Action item update		Fesmire
- Reconciliation of schedule inconsistencies		Fesmire
- Comment resolution of LANL VCA process		Fesmire
- NOD Comments		Fesmire
ADJOURN	4:00p	

**New Mexico National Laboratories  
Monthly Status Meeting Minutes  
June 22, 1994  
Dallas, Texas**

Attendees included:

- David Neleigh, EPA Region 6
- Barbara Driscoll, EPA Region 6
- Nancy Morlock, EPA Region 6
- Julianne Levings, DOE/AL/ERPO
- Tony Trujillo, DOE/AL/ERPO
- Court Fesmire, DOE/AL/LAAO
- John Gould, DOE/AL/KAO
- Dave McInroy, LANL
- Pat Shanley, LANL

General Comments:

A change was made to the previous month's meeting notes (April 20, 1994). The corrected version will be distributed with the new minutes.

Regulator Summit Meeting:

J. Levings reported for Karen Boardman (DOE/AL/ERPO) that a "summit" meeting had been held between NMED and Albuquerque Office of Environmental Project Management staff and that planning for a similar meeting between EPA Region 6 and DOE/AL senior staff is in progress. D. Neleigh asked to be provided with a summary of the outcome of the NMED "summit". He mentioned that scheduling will be a problem and reiterated the importance of being outcome oriented.

EPA Region 6 Update:

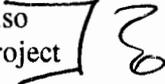
D. Neleigh reported that EPA Region 6 has modified a national ranking system to rank all the Region's facilities. The ranking system is purely technical. They will be ranked numerically and then grouped into high, medium, and low categories. The Region plans on concentrating on the five worst sites at each facility.

D. Neleigh reported that he had been contacted by Susan Rozinski from the Office of Policy and Strategic Planning (EM-4). She wanted EPA's perspective on the environmental programs at Los Alamos and Sandia National Laboratories and asked to accompany EPA Region 6 on their next site visit of both laboratories.

D. Neleigh summarized what he heard from the DOE Principal Deputy Assistant Secretary for Environmental Management, Richard Guimond's, message at the DOE/EPA Leadership Meeting held June 9, 1994 in Dallas. R. Guimond said that DOE's enforceable schedules were too optimistic and that reasonable schedules needed to be established so that DOE would not always be behind. He commended DOE-AL for analyzing the costs of performing characterization at each installations and for exploring alternatives to reduce costs at the New Mexico laboratories. He assured EPA that schedule relief did not equate to "gutting" the budget at any of the

installations. (According to D. Neleigh, there were no volunteers from the EPA Regions to participate in a working group on revising DOE enforceable schedules because "renegotiation" is not something anyone at EPA is looking forward to.) On the subject of D&D, R. Guimond's objective was to reduce operations and maintenance costs.

#### EPA/NMED Resource Status

T. Trujillo is working the resource issue for DOE/AL. D. Neleigh is Tony's point of contact for this issue. B. Driscoll reported that she had just drafted a proposal to give more work to the NMED AIP. In addition, in July 1994, the state of New Mexico will be authorized for HSWA 1, which is everything except corrective action. Apparently, K. Sisneros (NMED) has also requested additional resources from the DOE Albuquerque Office of Environmental Project Management. 

As a point of reference, D. Neleigh described an MOU prepared by DoD and approved by the Office of Management and Budget that allowed EPA to hire 100 people for \$7 million. He stressed that if an agreement could not ensure long-term work for new people, he could only look at temporary hires. Also, because EPA is already at their FTE ceiling, funding without an additional FTE ceiling attached would not be useful. Reimbursable positions were suggested as a mechanism with a precedent for approval by OMB.

In response to a question regarding the opening of an EPA project office in New Mexico, D. Neleigh reported that current Region 6 policy is that there will be no state offices.

#### Agency/Laboratory Reorganization Updates

J. Levings reported that the Environmental Restoration Project Office (ERPO) was concurrently developing a reorganization plan to meet a ratio goal of 1 supervisor to 15 employees **and** a strategic plan. ERPO will solicit input from the Area Offices in redesigning roles and responsibilities and preparing strategic goals and objectives.

D. Neleigh reported that EPA would be streamlining their organization to achieve a goal of 1 supervisor to 11 employees by January 1996.

D. McInroy reported that Jorg Jansen had conducted a stand-down of LANL ER employees that addressed reorganization. At this time, it appears that operable units will be grouped under a single project leader to achieve consistency.

#### Comments and Suggestions for Improvement to Future Joint Meetings

B. Driscoll said that these meetings were most productive when the members were solving a specific issues such as the Technical Assumptions task force or the Site Prioritization task force. She recalled that the original intent was that these would be meetings where proposals would be made informally and discussed. Instead, they had become mostly informational meetings. She also voiced a concern that agreements resulting from these meetings do not seem to be getting effectively communicated to the staff to be incorporated into subsequent deliverables.

N. Morlock said that items that appeared on the agenda would be brought up in the meeting and then deferred because DOE or the laboratories were not ready to talk about them. She also described the afternoon meeting in Albuquerque on April 20 with Bill Honker where a Voluntary

Corrective Action process for LANL was addressed as another example of a productive session.

D. Neleigh said that one of the reasons for initiating these meetings was to give SNL an opportunity to benefit from lessons learned at LANL. He also stated a preference for the approach where the OU Project Leaders gave presentations and had direct contact with EPA and asked if DOE had a problem with that communications link.

C. Fesmire reiterated LAAO's policy that direct contact between EPA and OU Project Leaders to respond to technical questions was fine, but that for policy issues, it was important that there be a single point of contact to provide a unified, "one voice" response.

D. Neleigh suggested that we invite the people who were affected by the issues being discussed at the meeting. He agreed that a better mechanism to disseminate meeting agreements should be developed.

The group agreed to try a semi-annual meeting schedule in the future with the understanding that special meetings could be called if both installations had a common problem to present/solve with EPA and NMED. The group selected the following points of contact:

Nancy Morlock, EPA Region 6 (B. Driscoll, alternate)  
Karen Boardman, DOE/AL/ERPO  
John Gould, DOE/AL/KAO and SNL  
Court Fesmire, DOE/AL/LAAO and LANL  
TBD, NMED

These individuals will be responsible for communicating the need and developing the agenda for future meetings to one another and to meeting attendees from their groups. J. Levings also recommended that one individual be designated the coordinator for any given meeting being planned so that the spread of misinformation and confusion could be minimized.

According to this plan, the next meeting of this group will be in the November/December 1994 time frame.



**New Mexico National Laboratories  
Revised Monthly Status Meeting Minutes  
April 20, 1994  
Albuquerque, New Mexico**

General Comments:

Changes were made to the previous month's meeting notes (March 02, 1994). The corrected version will be distributed prior to the next monthly meeting.

The next meeting date has been set for June 22, 1994 in Dallas, Texas.

SNL Permit Deliverable Status:

W. Cox (SNL/ER) stated that there were no changes to the current list of permit deliverables and all other deliverables were on schedule. The next deliverables are two work plans due 10/94.

Building 870 Renovation:

J. Gould (DOE/KAO) stated that he would like to set up a meeting in Dallas to discuss the building 870 renovation. He also wanted to discuss VCAs and leave with specific guidance on a process to follow for SNL. N. Morlock (EPA/Reg VI) said she would try to arrange a meeting in the latter part of the week of 4/25/94.

Public Participation:

J. Gould (DOE/KAO) reported that the first site prioritization team meeting was scheduled for all day May 18, 1994. The team consists of three people from Sandia/DOE, three Regulators, including one AIP representative, and six citizens. The citizens were selected by asking for volunteers at the SSAB planning committee meeting. Of the ten that volunteered, six were selected by drawing names at random. Although the original intent was to include three citizens, the consensus from the public was that more members were needed. The annual site reprioritization is expected to require six one-day meetings. Citizens were advised of this time commitment prior to volunteering.

T. Taylor (DOE/LAAO) stated that the LANL involvement with the VCA and site reprioritization processes will begin in June 1994 after a major baseline validation effort is complete. He has received suggested changes to the current site ranking questionnaire and requested EPA/NMED participation in evaluating the changes.

LANL Deliverable Status:

D. Hickens (LANL/ER) distributed copies of the permit. He said that four work plans (OUs 1100, 1085, 1136, and 1154) were in final review and all are expected to meet the May 23, 1994 submittal deadline to EPA. He also said that the LANL NOD response for the OU 1093 RFI work plan was submitted April 6, and NOD responses for the OU 1132 and 1157 RFI work plans were on schedule to be submitted by EPA's May 1994 response dates. Notifications of sampling had been sent to EPA and the State for OUs 1098, 1111, 1148, and 1157. On the status of TA-18 in OU 1093, he reported that two monitor wells were drilled and sampled; if on reanalysis of one sample at a lower detection limit, it is still negative for TPH and BTEX, LANL may request a permanent variance on the 200

ppm TPH found in the soil.

B. Driscoll (EPA/Reg VI) completed her review of the Class III modification and has forwarded it to the Director. Some wording changes were made by their EPA legal counsel in the dispute resolution language to achieve consistency with other agreements. There were also some changes made to the SWMU list. With respect to RFI work plans, B. Driscoll (EPA/Reg VI) said she had completed review of OU 1111 and would begin OU 1082 on April 25. She also indicated agreement with the staggered deliverable schedule proposed for OU 1082.

D. McInroy (LANL/ER) discussed the consolidation of three separate deliverables for OU 1114 into one deliverable to be submitted in May 1996, which would provide a substantial cost savings. Per B. Driscoll's request, he agreed to report on the status of this submittal and determine if there were any new SWMUs that would not be covered in the work plan.

D. McInroy (LANL/ER) asked about the status of the IWP since submitting a response to EPA's NOD. B. Driscoll (EPA/Reg VI) stated that they were waiting for the State's comments on the IWP to be addressed before proceeding further. She said the EPA wants to make sure the State's issues/comments are covered/resolved since this program will eventually be regulated by them. T. Taylor (DOE/LAAO) committed to scheduling a comment resolution meeting to address NMED AIP and Enforcement comments quickly. He requested that B. Driscoll (EPA/Reg VI) review these comments/responses, particularly if they would require an NOD.

B. Driscoll (EPA/Reg VI) made a general NOD comment that there was no detailed schedule in any of the work plans; that a baseline master schedule was not adequate; and that she would not approve any of the work plans until detailed schedules are supplied. T. Taylor (DOE/LAAO) said that the four work plans to be submitted in May would include detailed schedules.

D. Hickens (LANL/ER) said that he was following up on the NOD response received from the NMED for the TA-35 surface impoundment closure plan. B. Hoditschek (NMED/RCRA) said that a NOD was in development for the TA-16 landfill. She said that closure plan issues would be discussed further at the IWP comment resolution meeting.

#### VCA/VCM Review Process

T. Taylor (DOE/LAAO) explained that the DOE/HQ mandated 10% funding hold back could be retrieved for LANL if earmarked for accomplishments. He said they had proposed a list of 20 potential VCAs and 2 deep wells to reclaim these funds. He proposed a parallel process for submitting NEPA environmental checklist(s) to DOE and VCA work plan(s) to EPA and the general public. He also proposed using the local newspaper, site tours, a 30-day comment period, and a quick response to all comments, the same process used on the Cemetery.

B. Driscoll (EPA/Reg VI) asked when a Class III permit modification would be initiated and added that EPA would like to review any public comments submitted. T. Taylor (DOE/LAAO) proposed two permit modifications per year. B. Driscoll (EPA/Reg VI) said she would need to discuss this matter with her management. She stated that a temporary authorization to proceed might be a better solution. She also suggested that sometimes class II permit modifications may be appropriate.

N. Morlock (EPA/Reg VI) said that for Sandia, she would like to see public comments submitted for VCA plans at the same time she is reviewing them. If approved, she would issue a temporary

authorization, and Sandia would have to initiate a Class III permit modification within 30 days, according to their permit requirements. W. Cox (SNL/ER) said that the permit language used the word "encouraged" relative to the 30-day time period. N. Morlock (EPA/Reg VI) requested that VCA plans be grouped together.

K. Boardman (DOE/ERPO) asked if the not knowing the amount of funding that will be allotted as a result of the 10% hold back would adversely affect permit funding. N. Morlock (EPA/Reg VI) suggested that the permit modification might include a clause making implementation contingent on funding. B. Driscoll (EPA/Reg VI) added that having an approved permit modification might be to DOE's advantage in obtaining VCA funding. She also asked if the money needed to be obligated by the end of May. T. Taylor (DOE/LAAO) said that VCAs funded this year should be completed in September so that the funds budgeted would get costed this fiscal year.

A discussion of the risk involved in conducting VCAs ensued and centered on EPA's authority to require a site to be re-opened if they do not agree with the final remedy achieved through a VCA. T. Taylor (DOE/LAAO) said that some actions have to be done at risk, otherwise the time required to accomplish remediation would take too long. He said there was confidence in the proposed remedies and offered to provide Gantt charts to show how the process would work.

B. Driscoll (EPA/Reg VI) said work could proceed under a temporary authorization that would provide 180 days complete the VCA. She said a class III modification would not hold up work. B. Swanton (NMED/LANL) asked if a temporary authorization becomes a final remedy to which W. Honker (EPA/Reg VI) indicated that it did not. He also stated that the EPA does receive some credit for issuing temporary authorizations but more emphasis is placed on class III permit modifications.

A discussion relating the involvement of the public with respect to the temporary authorization process ensued. W. Honker (EPA/Reg VI) stated that some level of public involvement is necessary in this process so that an understanding of public opinion is obtained. He said EPA would like to see the public involvement occur prior to the class III permit modification.

Taylor (DOE/LAAO) suggested a separate meeting to discuss temporary authorizations, public comment, and combining a class III permit modification with a final remedy. D. McNroy (LANL/ER) agreed and added that a "face to face" discussion of this issue would be the most productive format.

#### Future Land Use Initiatives

J. Gould (DOE/KAO) proposed a public meeting process that would be all inclusive to address existing future land use plans and to obtain public comment on industrial clean-up levels. He would contact EPA before a meeting is scheduled and proposed to begin this process within three months. He said that the existence of a SSAB should not preclude the public from understanding future land use issues.

B. Swanton (NMED/LANL) said that an SSAB should be a major player in land use decisions since it is a public body that would have technical backing. He also thought that the public would not feel fully represented by NMED and EPA and that efforts to get a SSAB in place should be a high priority.

W. Cox (SNL/ER) agreed that the SSAB should be a part of the group that addresses future land use but not the recommending body. J. Gould (DOE/KAO) would like to obtain comments from the

sector of the public that currently uses or owns the land now. He said that the public would also be informed about the clean-up costs associated with the different land use classifications.

T. Taylor (DOE/LAAO) said that LANL is co-developing an informal task force on land use with the public that is scheduled for completion in 10/94. He said all planning efforts are to be combined and the goal is to establish a working group on the Hanford model that would consider total facility planning as opposed to just planning of contaminated sites. This proposal would comply with Secretary O'Leary's initiative to complete future land use planning for all DOE facilities by 12/95.

S. Alexander (NMED/HRMB) suggested that a close look be taken at the Hanford success in this area.

#### CAMUs:

C. Fesmire (DOE/LAAO) said that CAMU proposals for LANL were temporarily on hold while they determine how CAMUs will fit into LANL's overall disposal strategy. W. Cox (SNL/ER) asked if the EPA had finalized the CAMU SOP. B. Driscoll (EPA/Reg VI) replied that the final SOP would be distributed and discussed at the CAMU training on 4/21/94.

W. Cox (SNL/ER) asked if the SNL CAMU strategy had been reviewed and if any comments were to be expected. N. Morlock (EPA/Reg VI) replied that a review had not been done but that she would look at it in the near future.

B. Driscoll (EPA/Reg VI) said that the EPA and the State of New Mexico had not yet worked out an agreement on interactions relative to implementing the CAMU rule. She recommended deferring individual CAMU proposals since EPA would not be able to approve a proposal until the agreement is final.

#### Integration of Closure Plans with Corrective Action:

B. Swanton (NMED/LANL) described a tank located at TA-54 in Area G with commingled wastes. B. Driscoll (EPA/Reg VI) said that NMED has the lead on that unit since regulated units have requirements over and above Subpart S. B. Hoditschek (NMED/RCRA) recommended that following the process for a RCRA unit would be more effective, one clean up for the area. B. Swanton (NMED/LANL) summarized: when reviewing combined units with overlapping jurisdictions and regulations, AIP should consult with B. Hoditschek on a case-by-case basis.

#### Alternate Contracting Strategy Status:

K. Boardman (DOE/ERPO) reported the T. Grumbly has set a goal of 20% performance improvement to be recognized by FY 1996. 1200 FTEs have been allocated to the DOE to be distributed to the field organizations submitting proposals that would achieve the 20% cost reduction goal. In order to meet the 20% goal and obtain additional FTEs, DOE/AL is considering the use of private contractors to perform ER work as opposed to the M&O. DOE/AL senior staff will be hearing M&O proposals to meet performance improvement goals on May 11, 1994.

#### DOE/EPA Summit:

K. Boardman (DOE/ERPO) proposed a DOE/EPA/NMED summit meeting. She suggested that the summit meeting address high level issues, such as the allocation of DOE resources to the regulators.

W. Honker (EPA/Reg 6) agreed with the concept of a summit meeting but stressed the importance of having a pre-defined objective for the meeting.

S. Alexander (NMED/HRMB) stated that delays in the ER process will continue unless additional FTEs for the State can be funded. He stated that approximately 5 to 10 additional FTEs per facility are needed. B. Hoditschek (NMED/RCRA) said that any new positions ought to be staffed with experienced people whereas historically, the NMED has been a temporary training ground for consultants.

B. Swanton (NMED/LANL) said that some of the delays in the process could be avoided if document review procedures were enhanced. He suggested that there be more coordination between the document author and the reviewers and a conference between all parties after review is complete. He also said that there should be an incentive to prepare concise documents.

W. Honker (EPA/Reg 6) discussed the status of EPA's ongoing quality initiatives. These included the formation of four focus groups envisioned to have facility representation. Internally, he is looking for ways to streamline the document review process. An EPA/State Corrective Action steering committee is also being considered to coordinate within the five-state area.

#### State HSWA Authorization

A concern was raised by D. McNroy (LANL/ER) regarding the likelihood of the State reopening EPA decisions once they receive HSWA authority. B. Swanton (NMED/LANL) said that to prevent that, it was very important that the NMED be included in those decisions now so that they could live with them in the future. S. Alexander (NMED/HRMB) said that NMED wanted to avoid revisiting EPA decisions and wanted to be a part of the system.

B. Swanton (NMED/LANL) emphasized the importance of flagging issues with significant consequences and putting results up front where they're easily identified in Phase reports in order to minimize the possibility of revisiting decisions and to maximize the use of limited NMED resources for document review.

#### Actions:

T. Taylor (DOE/LAAO) - Set up an IWP comment resolution meeting with B. Swanton (NMED/LANL).

NMED and EPA - Generate lists of positions required to conduct future work.

K. Boardman (DOE/ERPO) - Set up a DOE/EPA/NMED summit meeting.