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U. S. Department of Energy
 Los Alamos Area Office, MS A316
 Environmental Restoration Program
 Los Alamos, New Mexico 87544
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Date: December 20, 1996
 Refer to: EM/ER:96-638

Mr. Benito Garcia
 NMED-HRMB
 P.O. Box 26110
 Santa Fe, NM 87502

SUBJECT: MINUTES FOR MONTHLY MEETING WITH HRMB

Dear Mr. Garcia:

Enclosed please find a copy of the minutes pertaining to the Environmental Restoration (ER) portion of the meeting held in Santa Fe on November 13, 1996, with members of your staff, Oversight Bureau staff, the Environmental Protection Agency, and personnel from Los Alamos National Laboratory's ER Project. The minutes have been reviewed by your staff and their comments have been incorporated. Also, attached are the minutes developed by the Department of Energy Oversight Bureau.

Should you have any questions, please call Dave at (505) 667-0819 or Bonnie at (505) 665-7202.

Sincerely,

David McInroy, Compliance Manager
 LANL/ER Project

Sincerely,

Bonnie Koch, Compliance Manager
 DOE/LAEO

DM/BK/ss

Enclosure: November, 13 1996, Minutes for Monthly Meeting with HRMB

FILE LANL HSWA GEN/misc/A

JK

TL



Cy (w/ enc.):

J. Ellvinger, ESH-19, MS K490
P. Shanley, ESH-19, MS K498
T. Glatzmaier, DDEES/ER, MS M992
D. Griswold, AL-ERD, MS A906
J. Jansen, EM/ER, MS M992
B. Koch, LAAO, MS A316
D. McInroy, EM/ER, MS M992
J. Plum, LAAO, MS A316
T. Taylor, LAAO, MS A316
T. Todd, LAAO, MS A316
RPF, MS M707

M. Chacon, NMED-HRMB
T. Davis, NMED-HRMB
R. Dinwiddie, NMED-HRMB
R. Ford-Schmed, NMED-OB
K. Hill, NMED-HRMB
S. Hoines, NMED-HRMB
J. Kieling, NMED-HRMB
R. Mayer, EPA
T. Michael, NMED-OB
J. Rogers, NMED-GWQB
S. Zappe, NMED-HRMB

Cy (w/o enc.):

R. Sena, AL-ERD, MS A906
T. Baca, EM, MS J591
EM/ER File, MS M992

**NMED HRMB and LANL ER Project
Meeting Minutes**

November 13, 1996

Attendees:

NMED: Stu Dinwiddie, Steve Zappe, Mike Chacon, Teri Davis, Susan Hoines
EPA: Rich Mayer, Kim Hill
DOE OB: Tim Michael
DOE: Bonnie Koch
UC: Dave McInroy, Pat Shanley (ATK)

It was agreed by all parties that meeting minutes from the September meeting were helpful and meeting minutes should be generated for each meeting. Tim Michael will be provided a copy of the meeting minutes by Kim Hill so that the Department of Energy Oversight Bureau (DOE OB) can review and comment prior to finalization of the minutes.

Agenda Item 1. Pre-1996 Environmental Protection Agency (EPA) Document Review

Dave McInroy requested the New Mexico Environment Department (NMED) and the Environmental Protection Agency (EPA) input on how the Los Alamos National Laboratory (LANL) should proceed with the permit modification requests that were submitted when EPA was Module VIII's regulatory authority. Specifically, these are two expedited cleanup permit modification requests (4/94 and 9/95) and two "no further action requests" (3/95 and 9/95).

Discussion resulted in a general opinion that the most reasonable approach for the "Expedited Cleanup (EC) mods" was for LANL to withdraw them in a letter to NMED. The EC units can be addressed with other units in a future permit modification request for No Further Action (NFA).

Action Item: Dave McInroy will provide NMED and EPA with all pertinent documents [i.e., permit modification requests, EC plans, (Notice of Deficiencies (NODs), NOD responses, temporary authorization requests, temporary authorization approvals, and EC reports).

After review of these documents, NMED will make a final determination on how these permit modification requests should be resolved.

Stu Dinwiddie indicated that a letter to Tom Todd (DOE) and David Neleigh (EPA) and a Statement of Basis (SOB) for the NFA modification requests should be sent next week. This letter will apparently outline the denials and approvals

in the SOB. NMED has not been funded for this effort and is allocating general funds to complete the permit modification request. (No action until SOB is distributed.)

LANL indicated a concern that some current NOD comments appear to contradict previous NOD comments. NMED clarified that all NODs come through them prior to delivery to LANL. EPA submits NOD comments to NMED and NMED reviews, and may alter, prior to delivering the NOD to LANL. EPA will be copied. Stu Dinwiddie indicated that approaches may change under their authority. It was determined that a list of approved work plans and reports was needed. This list will provide a point of departure for further discussions on where approaches may have changed and will serve as a completed or positive status for documents. Additionally, LANL should identify any inconsistencies found in NOD comments.

Action Item¹: Dave McInroy will provide a prioritization of the outstanding documents to NMED and EPA.

Agenda Item 2 Accelerated Actions

2a. Voluntary Corrective Action (VCA) Approach. Dave McInroy and Pat Shanley provided a brief review on LANL's view of the statutes, regulations, and guidance covering Resource Conservation and Recovery Act (RCRA) corrective action.

Discussion focused on terminology or nomenclature of terms until it was decided to outline what LANL views as an interim action, interim measure, and voluntary cleanup. In general, it was agreed that interim actions equal interim measures. However, in LANL's view, Module VIII indicates that it is the administrative authority, not the permittee that initiates an interim measure. Therefore, the term interim action is used by LANL at sites where a corrective action is taken which may not be the final remedy.

NMED views the VCAs as a final remedy without prior regulatory approvals. They view VCAs as outside the RCRA facility investigation (RFI) process. VCAs are to NMED: low threat; low risk; low priority; regulatory oversight not needed; focus on worst sites first; and intended generally for areas of concern.

LANL views VCAs as: requiring no prior approval to implementation; low risk with respect to the expenditure of remediation dollars; and occurring at high or low priority units.

¹ This topic was further discussed in the afternoon. R. Mayer requested a prioritization of the "backlog" documents to facilitate the order which EPA reviews the documents.

NMED expressed concern that VCAs for high priority sites are conducted without regulatory oversight may make the contaminant situation worse. They also expressed concern that it might require additional funding to cleanup a site if the remedy selection or the cleanup levels are not agreed with.

LANL indicated their desire to use the annual Replan as a mechanism for the State to use for selecting which VCAs NMED wanted to formally review and as the compliance schedule that would be presented in the Installation Work Plan (IWP) each November. LANL acknowledged that the Replan recently submitted would need to be modified to ensure the same fields are reported in the same manner for each potential release site (PRS) and that additional information on the sites may also be needed. NMED asked for an understanding of the current schedule of compliance.

LANL explained when they implement VCAs. The following are LANL consideration factors when identifying and implementing VCAs: low complexity for cleanup; cost effectiveness; contaminants identified/characterized; pathways; "do ability;" and waste types that will be generated. LANL indicated that both high and low priority PRSs are candidates.

A brief discussion on the Site Ranking System (SRS) was then entered into. LANL explained how sites were ranked and that sites are reranked, when time allows, if unexpected contaminants or situations are found at a site.

LANL indicated that in the past two years, 56 of the sites that VCAs were performed at had a SRS of >50 and over half of these sites are identified on the permit. NMED indicated that they must be involved in reviewing some of these VCAs and LANL agreed.

NMED's view of what can constitute a VCA were further defined as: low SRS score; low public interest; low threat of release; minimal contamination; and have a presumptive remedy which can be applied.

Agenda Item 2b. Facility Investigating Reporting Process

The "Accelerated RFI Process" document was then decided to be the tool to further facilitate understanding of LANL's process and NMED's concerns.

NMED found box 1, Create a sampling and analysis plan (SAP), lacking in detail and not clear where it entered the process. NMED indicated that it needed stronger definition such as: Is it an RFI Work Plan? Does it follow all protocols such as following site-specific Quality Assurance Project Plan (QAPP), Site-Specific Health and Safety Plan, established sampling procedures, etc.?

LANL indicated that Box 1 is the initiation of the RFI process, and that it is an RFI work plan.

Box 2. Conduct Field Work. NMED indicated they need to know when field activities are conducted. NMED wants the status of field work, such as start-up and completion, in the Project Tracking System. They indicated that the information provided in the replan is not sufficient to indicate when field work will continue over several seasons.

Box 3 - Perform Data Assessment/Compare to DQOs. NMED had no comments on this box.

Box 4 - Do data support NFA? Path to Box 7 followed. Box 7 asks "Is further investigation required?"

The examples provided were discussed next. Example No.1 was adequate to NMED. However, they suggested the removal of Example 2 and combining it with Example 3.

A discussion ensued on when a major or minor modification was needed to a SAP/work plan. S. Dinwiddie suggested the same criteria for the type of permit modification request (40 CFR 270.42) be utilized; corrective action is a risk-based process and is not addressed within the context of 40 CFR 270.42. Teri Davis said it needs to be looked into.

The meeting attendees decided to break for lunch and resume the meeting after lunch. The dialogue on the approaches LANL has been using was useful to NMED. The meeting halted at 12:15 p.m. and reconvened at 1:10 p.m. Dave McInroy was unable to return after lunch.

Due to Rich Mayer's 2:00 p.m. departure time, the "Accelerated Process" was tabled to discuss the Replan, an item EPA's participation in was needed.

Agenda Item 3. Fiscal Year (FY) 1997 Replan

Bonnie Koch provided a brief history of the 1997 Replan review process and requested to know whether the Replan had adequately addressed NMED (and EPAs?) comments.

NMED indicated that the Canyons work plans had not been expedited per their request. They could not understand the need for such a delay in implementation, cited as two to five years. They also view the timeframe for initiation to completion as too long.

A discussion on the impact of accelerating the Canyon work plans ensued. NMED indicated their discontent with the lack of response by LANL in addressing an action item to LANL in previous meetings. NMED indicated that in several past meetings with LANL, they have requested a description of what

corrective action work would be delayed if the Canyons work plans are accelerated and they have received no response. NMED indicated that they would prepare a letter for Ed Kelley's signature requiring this information. The letter will require a response in 30 days or compliance actions will result.

The requirement for a formal schedule of compliance was also discussed. The use of the IWP plan was addressed. The outlying dates in RFI NODs for RFI report submittals were also discussed. NMED indicated that they will also formally address a request for LANL's schedule of compliance, as it exists in the IWP and any NODs which direct submittals by specific dates, and LANL's proposed schedule of compliance (i.e., the Replan). NMED will evaluate this to determine what LANL's schedule of compliance should be.

Stu Dinwiddie indicated that the request for extension to permit-required deliverables are subject to Class 3 permit modification requests and fees. LANL indicated that this would be a major departure from how business was conducted with EPA as the regulatory authority.

The meeting came to an abrupt end due to the need of two NMED members to attend another meeting. It was informally discussed that another meeting on the RFI accelerated document be held on Friday, to obtain NMED comments on the diagram and LANL's intentions. It was decided that an interim meeting will be held prior to the December 11 meeting, and it would be scheduled on November 14, 1996, during the joint Environmental Restoration/Permit meeting.

As a result of discussion, two unassigned action items were identified. They are:

Action Item: LANL and NMED must determine what constitutes a minor vs. major modification to an RFI work plan.

Action Item: Time frame for Administrative Authority to review major modifications requires further evaluation (Box 12).

Tim Michael and Steve Zappe were unable to remain through 3:00 p.m. when the meeting ended.

Agenda Item 4, Library, was not addressed.

Agenda
LANL ER PROGRAM MONTHLY MEETING WITH NMED HRMB
November 13, 1996

1. Pre-1996 EPA Document Review - Dave McInroy (9:00-9:30)
Discussion of letter to NMED requesting status of EPA reviews prior to January of 1996.

2. Accelerated Actions - (9:30-11:15)
 - a. VCA Approach - Dave McInroy, Pat Shanley
Overview of statutory language, proposed regulations, DOU as integrated into the LANL ER Program process for conducting accelerated cleanups.

 - b. NMED Credit for VCA Reviews - Dave McInroy, Pat Shanley
Discussion of LANL ER Program VCAs as applied to HSWA units and the possibility of how the accelerated process may allow NMED to receive EPA credit for reviews.

 - c. Facility Investigation Reporting Process - Bonnie Koch
Discussion of September 18, 1996 subject document and "Accelerated RFI Process" which describe streamlined efforts in executing and reporting LANL ER Program investigations/corrective actions.

3. FY97 Replan - Bonnie Koch (11:15-11:45)
Discussion of NMED comments on FY97 Replan delivered at meeting, October 23, 1996.
Discussion of the yearly replan as the schedule of compliance.

4. Library - Bonnie Koch (11:45-12:00)
Description of LANL resources available to help NMED prepare a library containing LANL ER Program documents.

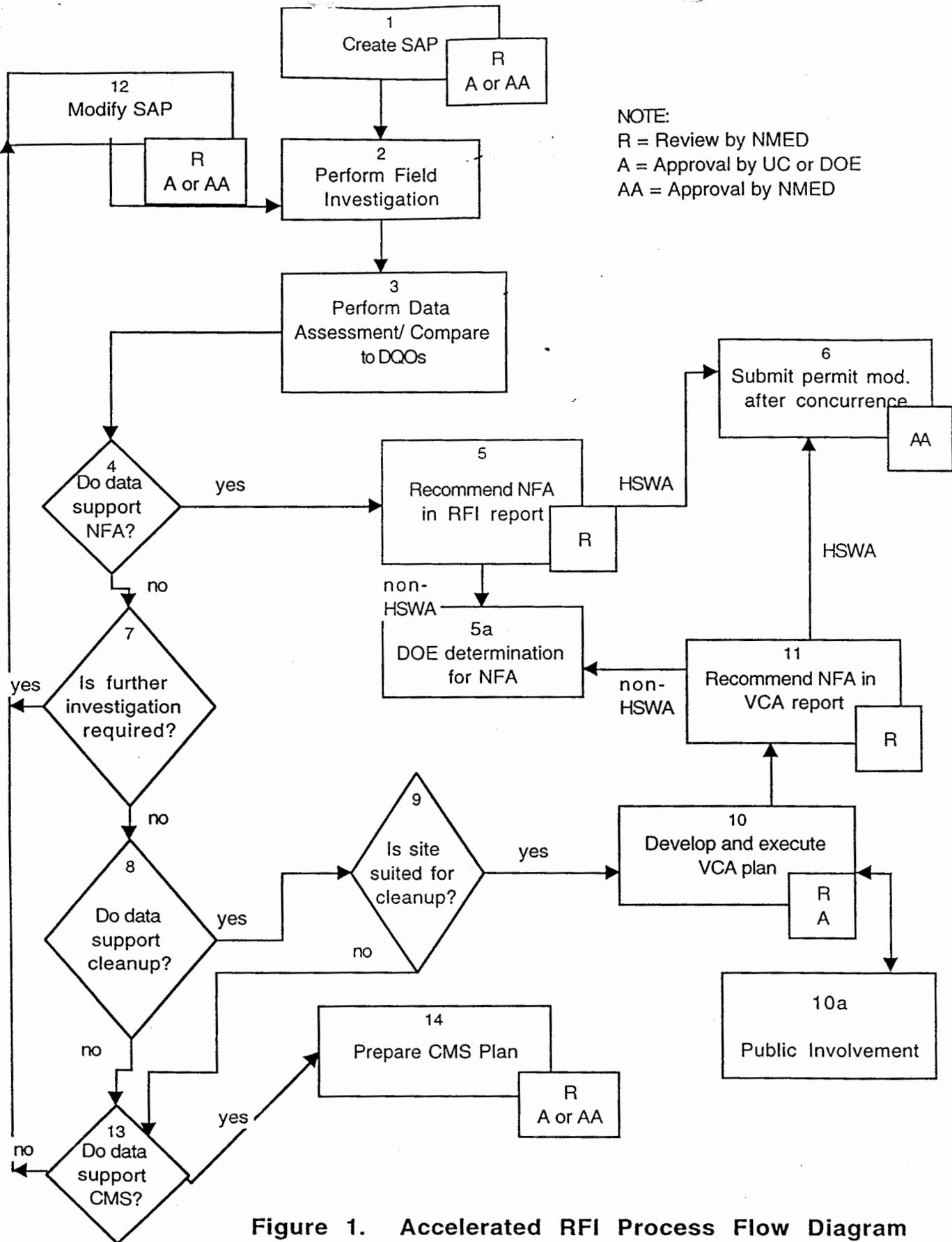


Figure 1. Accelerated RFI Process Flow Diagram

Monthly Meeting, November 13, 1991.

LANL/DOE - NMED HRMB

<u>Name</u>	<u>Organization</u>	<u>Phone</u>
Bonnie Koch	DOE/LAAS	665-7202
Susan Hoines	NMED/HRMB	827-1558
KIM HILL	NMED HRMB	827-1558
Robert S. (Stu) Dimwaldrip	NMED/HRMB	827-1561
Teri Davis	" "	" "
Rich Mayer	EPA-Dallas	214-665-7442
PAT STANLEY	LANL, ESH-19, ATK	667-0663
Tim Michael	DOE O/B	827-1530
Michael Chacos	NMED/HRMB	-1561
Steve Zeppe	"	827-1561
DAVE McINROY	LANL/ER	667-0819



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M E M O R A N D U M

MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

TO: Stu Dinwiddie, RCRA Permits Management Program Manager,
HRMB
FROM: *JP* John Parker, Technical Support Program Manager, DOE OB
DATE: December 2, 1996
SUBJECT: Comments on draft minutes from the November 13, 1996
NMED HRMB and LANL ER Project

I have reviewed the draft minutes from the subject meeting. Based on comments from DOE OB staff in attendance (Tim Michael, Ralph Ford-Schmid, and Martyne Kieling), the following additions to the minutes should be included to more accurately reflect the discussion that took place during the meeting. If there are any questions regarding these additions, please contact me or Tim Michael of the DOE Oversight Bureau Technical Support staff.

Agenda Item 1.a. Eco Risk

Comments on the approach were:

- 1) Ralph Ford-Schmid - Acute Exposure Areas (AEAs) boundaries seem to look arbitrary. How will habitats below AEAs be addressed? How will cumulative effects from runoff from AEAs be addressed?

Response: Roger Ferenbaugh - Cumulative effects will not be dropped. They will perhaps be evaluated at a later date.

- 2) Ralph Ford-Schmid - Suggested that stormwater monitoring would be a good start.

- 3) Ralph Ford-Schmid - The slicing of habitats into canyon bottoms and mesa tops is not ecologically defensible.

Response: Orrin Meyers - There may be a greater value in lowering concentrations of contaminants inside canyons than on mesa tops. Canyon corridors most likely have higher conservation priority.

Response: Roger Ferenbaugh - Will not ignore sources and receptors that traverse EEU boundaries.

4) Kim Hill asked about air transport.

Response: Orrin Meyers - Have info, can use it. Use PRS boundaries for screening. Trying to make it conservative. At screening level - species considered will change the screening level, therefore habitat at each PRS is necessary.

5) Ralph Ford-Schmid - Why is the division of habitat necessary?

Response: Roger Ferenbaugh - Will look at immediate risk at PRS. First a PRS level screen (stringent), then cumulative risk assessment from all PRSs on a habitat (baseline).
Tier 1 - no potential for risk obvious
Tier 2 - a potential exists, make screening more stringent
Tier 3 - baseline assessment

6) Ralph Ford-Schmid - Would like LANL to be more careful when looking at "sliced" habitats. There is a concern with linkage of the habitats, the organisms and COCs within them.

Response: Roger Ferenbaugh - Particular approach for defining EEU came out of meetings with Jeff Yurk and B. Hoditschek.

Response: Orrin Meyers - Saw advantages in using community patches. Political boundaries are ecological nightmares.

7) Ralph Ford-Schmid - Is there some way to incorporate watersheds into EEUs?

Response: Roger Ferenbaugh - Trying to do that.

Response: Bonnie Koch - Watershed management is in infancy - need an ecological screen right now.

8) Ralph Ford-Schmid - Strongly suggest extensive ground truthing of Landsat vegetation maps prior to conducting Eco Risk screening.

Agenda Item 1.b. Rad Strawman

Comments on the approach were:

Teri Davis said that HRMB had not had a chance to discuss the rad strawman.

According to Wayne Hansen, the historical approach has been that if human health is protected, then ecological receptors are protected. Typically, screening is based on the development of acceptable dose limits. For wildlife, there is little information on the subject.

W. Hansen proposed an aquatic dose limit of 0.1 rad/day for aquatic and terrestrial animals. He proposed an limit of 1 rad/day for plants. He proposed that a "representative member of the population" be used in selection of a mean or average value of the dose estimate, because of the difficulty in describing the "maximum exposed individual". He stated that the application of modifying factors may be different for radiation and relative biological effects. He recommended that doses be averaged over monthly periods, and said that New Mexico regulations allow for this.

Tim Michael commented that a human health based dose screen of 10 mrem/yr (using a conservative exposure scenario and exposure parameters) is probably protective of ecological receptors. Also, he commented that a comparison of dose at a particular site using a human-based scenario and using another biological receptor scenario would be helpful in clarifying the issues.

JP:TM:tm

cc: Neil Weber, Chief, NMED DOE Oversight Bureau
Benito Garcia, Chief NMED HRMB
Steve Yanicak, LANL DOE OB POC