

*Senate's Reading File*



State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Hazardous & Radioactive Materials Bureau  
2044 Galisteo  
P.O. Box 26110  
Santa Fe, New Mexico 87502  
(505) 827-1557  
Fax (505) 827-1544



**MARK E. WEIDLER**  
SECRETARY

**EDGAR T. THORNTON, III**  
DEPUTY SECRETARY

**GARY E. JOHNSON**  
GOVERNOR

Certified Mail  
Return Receipt Requested

February 10, 1997

Mr. Allyn M. Davis  
Director  
Multimedia Planning and Permitting Division  
U.S. Environmental Protection Agency  
Region VI  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Dear Mr. Davis:

The New Mexico Environment Department (NMED) has received your letter dated December 24, 1997 with the enclosed Signed Amended Work Share Agreement for Fiscal Year 1997. NMED is setting staff work priorities according to projects that New Mexico Facilities are actually going to proceed with based on facility budgetary constraints. If a project does not have the funding or is deemed not a high priority and is scheduled within the framework of ten year plan or less plan NMED will postpone work on such projects until the scheduled project date. EPA's questions and statements in the Amended Work Share Agreement Cover Letter are addressed below.

Understanding that NMED is the Administrative Authority for HSWA Corrective Action, in New Mexico, and according to the Work Share Agreement currently administratively and regulatorily responsible for all activities in the State related to HSWA Corrective Action regardless of who conducts document administrative and/or technical review. EPA has agreed to review and provide technical assistance on Corrective Action Documents as requested by NMED and take the lead in reviewing submittals; however, that does not relieve NMED from the responsibility of performing a review of EPA comments. Recent events related to EPA comments requesting a second NOD for the OU 1114 demonstrate a need for NMED in depth review of EPA comments and Facility responses.

NMED understands that unless assistance is requested, from EPA by NMED, review of documents related to a specific project is the responsibility of the NMED. NMED has accepted administrative authority for all HSWA activities, to include those items listed in the Amended Work Share Agreement.

EPA Comment: (Paragraph two)

"NMED should submit a detailed schedule of work that will be accomplished by NMED in accordance with the Work Share Agreement. This information is not currently included in the Work Share Agreement which only identifies the portion of each facility in which NMED will assume the lead. It does not identify actual work items to be completed such as, RCRA Facility Investigation Work Plan reviews and approvals."



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*General*

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Mr. Allyn M. Davis  
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**NMED Response:**

The Work Share Agreement, to NMED's understanding was never intended to require specific schedules on work share from either NMED or EPA Region 6. The intent of the Work Share Agreement was to allow EPA technical support to NMED, if needed, to allow NMED some lag time in assuming all HSWA technical activities. NMED believes that the specificity in your request is not in keeping with the intent of the agreement. Further, the changing schedules for facilities based on external drivers, particularly budgets, are extreme and make specific schedules almost meaningless at this time.

On page one of the Amended Work Share Agreement under the heading of Los Alamos National Laboratory there may be some ambiguity concerning the OU1049 Core Document commitment. According to information received from the Facility the Core Document is the outline of how all canyon soil, watershed, and groundwater investigations will proceed. This document is equivalent to a RFI Work Plan. All other items under Los Alamos are very specific as to the activity and location. Only documents, that are currently held by NMED, concerning activities at this facility were placed in the Amended Work Share Agreement. Of these documents NMED will only dedicate staff time to projects that the facility has budget and plans to continue working on during FY97 and requests that EPA do the same for any documents which may be submitted by any facility directly to EPA in a cooperative effort with NMED.

The only other facility that does not have a specific activity connected with it is Sparton. NMED has in its possession a document from EPA stating that EPA would be the responsible agency for the Sparton Project. NMED is under the belief that EPA Region 6 is to pursue corrective action at Sparton to conclusion with New Mexico involvement.

**EPA Comment: (Paragraph three)**

"To date, EPA has not received the draft procedures for submittal of corrective action document reviews from NMED. Pursuant to the Work Share Agreement, these procedures were to be submitted to EPA by October 13, 1996. Please ensure that these procedures are submitted to EPA no later than January 15, 1996."

**NMED Response:**

"1. EPA will transmit all comments on CA documents (e.g. Notice of Deficiency, Approval letters, permit modification information) to NMED by hard copy, and on computer disk in Word Perfect 5.2 or by email. NMED will transmit comments, which incorporate EPA comments, to the facility under State HSWA Authority. NMED will copy the EPA on all letters transmitted to facilities. On all transmittal letters, NMED will indicate a point of contact within the Hazardous and Radioactive Materials Bureau for the facility to respond to, and within the EPA for the facility to copy. The facility will be instructed to send an original response to the NMED contact, and a copy to the designated EPA contact. The current NMED contact is Mr. Benito Garcia, Chief, Hazardous and Radioactive Materials Bureau. The current EPA contact is Mr. David Neleigh, Chief, New Mexico and Federal Facilities Section."

"2. For facilities which may submit documents (No Further Action proposals, Expedited Cleanups or Voluntary Corrective Measures) which address multiple solid waste management units (SWMUs) for which both EPA and NMED may share

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responsibility for review, EPA will submit all comments to NMED for transmittal to the facility as outlined above.”

“3. NMED will conduct all public notices and public meetings for any permit modifications which require such notices. EPA will provide comments on all permit modifications to NMED for facilities and activities which EPA retains responsibility under the current Corrective Action Work Share Agreement. NMED will issue the final decision, and make the proper notifications as required under 40 CFR § 270.42.

“4. For Sandia National Laboratory, NMED will also take the CA responsibility for any documents or decisions related to the TCE plume.”

“5. For Los Alamos National Laboratory, NMED will substitute review of any documents associated with Operable Unit 1093, and the RCRA Facility Investigation Work Plan for Los Alamos and Pueblo Canyon for any CA work currently listed in the work share agreement. NMED will be responsible for any NFA/EC/VCA proposals for the above areas.”

“6. For White Sands Missile Range, NMED will review all CA documents associated with HELSTF portion of the facility including the following SWMUs: 27, 28, 29, 30, 142, 143, 144, 146, and 154. NMED will also review all CA documents associated with the Temperature Test Facility (TTF).”

“7. NMED will be responsible for any new CA portions of RCRA permits with the exception of the Waste Isolation Pilot Project which will be drafted by EPA. NMED will be responsible for conducting all public notices and public meetings for any new permits.

“8. For Fort Bliss, NMED will be responsible for all CA documents.”

“9. NMED will be responsible for completing any RCRA stabilization evaluations.

Should you or your staff have any concerns about this letter and the referenced Amended Work Share Agreement please contact me at (505) 827-2855 or Mr. Benito J. Garcia at (505) 827-1561.

Sincerely,

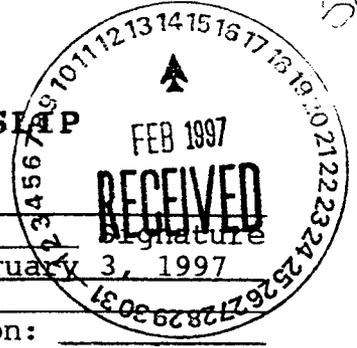


Ed Kelley, Ph.D. Director  
Water and Waste Management Division  
New Mexico Environment Department

cc: Benito J. Garcia, Bureau Chief, HRMB  
David Neleigh, EPA Region 6

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ENVIRONMENT DEPARTMENT ROUTING SLIP



Letter To: Allyn Davis, EPA Region 6  
For: Ed Kelley's  
Drafted By: Robert S. (Stu) Dinwiddie Date: February 3, 1997  
Subject: Response to Work Share Cover Letter  
Final Decision Needed By: As Soon As Possible Reason: \_\_\_\_\_  
Review:

		Initial	Date Rec'd	Date Apprv'd
<u>Robert S. Dinwiddie</u>	Program Manager	<u>RSW</u>	<u>2/7/97</u>	<u>2/7/97</u>
_____	Supervisor	_____	_____	_____
<u>Benito Garcia</u>	Bureau Chief	<u>BG</u>	<u>2/7/97</u>	<u>2/7/97</u>
_____	Staff Dev. Direct.	_____	_____	_____
_____	Grants	_____	_____	_____
_____	Accounting	_____	_____	_____
_____	Budgets	_____	_____	_____
_____	Legal Review	_____	_____	_____
_____	ASD Director	_____	_____	_____
<u>Ed Kelley</u>	WWM Director	<u>EK</u>	<u>2/11</u>	<u>2/11</u>
_____	EPD Director	_____	_____	_____
_____	Deputy Secretary	_____	_____	_____
_____	Secretary	_____	_____	_____
_____	Dir. of Comm.	_____	_____	_____
_____	Tech. Comp.	_____	_____	_____
_____	Other	_____	_____	_____
_____	Program Support	_____	_____	_____
<u>Barbara Ortiz</u>	Admin. Sec.	<u>BO</u>	<u>2/10</u>	<u>2/10/97</u>

Comments by Drafter or Reviewer(s):

Dr. Kelley, You approved and returned the draft of this letter for finalization.

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\_\_\_\_\_

FISCAL YEAR 1997 LOS ALAMOS NATIONAL LABORATORY HSWA SUBMITTALS						
FU	TECHNICAL AREA OR SWMU	DOCUMENT TYPE	STATUS/DUE DATE	AGENCY LEAD	PRIORITY	COMMENTS
5	TA-50; 50-006(a)	IA RPT	4/97	EPA	H	
5	TA-50; 50-006(d)	where is this RFI RPT?	?	EPA	H	this document is listed in LANL's 7/30/96 letter without a date for submittal of RFI RPT
5	TA-54; 54-001(a), 54-006, 54-012(b).	RFI RPT	12/96	EPA	H	
5	TA-54; 54-013(b), 54-014(b-d), 54-015(k), 54-017, 54-018, 54-019, 54-020	RFI RPT	5/97	EPA	H	
5	TA-54; 54-004, 54-005	RFI RPT	6/97	EPA	H	
6	Site-Wide Hydrogeologic WorkPlan	CA Deliverable	12/96	NMED	H	
6	Installation WorkPlan (IWP)	CA Deliverable	12/96	NMED	H	this review will familiarize NMED with the programmatic issues of the facility

FISCAL YEAR 1997 LOS ALAMOS NATIONAL LABORATORY HSWA SUBMITTALS

FU	TECHNICAL AREA OR SWMU	DOCUMENT TYPE	STATUS/DUE DATE	AGENCY LEAD	PRIORITY	COMMENTS
1	TA-0; 0-31(b)	RFI RPT	8/96	EPA	L	this due date come from LANL fax , 7/31/96, and isn't indicated on LANL's 7/30/96 letter as a submittal
1	TA-0; 0-028(a,b)	RFI RPT	10/96	EPA	townsite	
1	TA-0; 0-028(a,b)	<del>NFA</del>	10/96	<del>NMED</del>	L	Class 3 Permit Mod.
1	TA-0; 0-030(a)	RFI RPT	5/97	EPA	townsite	
1	TA-0; 0-018(a), 0-019	RFI RPT	8/97	EPA	M-H	
1	TA-21; 21-024(i)	EC PLAN	10/96	EPA	H	EC RPT due 3/98
1	TA-21; 21-004(b,c)	RFI RPT	12/96	EPA	L	
1	TA-21; 21-026(a,b)	RFI RPT	3/97	EPA	M	
1	TA-21; 21-003, 21-013(a-e), 21-027(a), 21-010(a-h)	RFI RPT	4/97	EPA	L-M	
1	TA-21; 21-011(k)	RFI RPT	8/97	EPA	H	outfall
1	TA-21; 21-029	<del>RFI RPT</del>	11/96	<del>NMED</del>	H	DOE land-transfer proposed for this site

FISCAL YEAR 1997 LOS ALAMOS NATIONAL LABORATORY HSWA SUBMITTALS						
FU	TECHNICAL AREA OR SWMU	DOCUMENT TYPE	STATUS/ DUE DATE	AGENCY LEAD	PRIORITY	COMMENTS
1	TA-73; 73-001(c), 73-002, 73-004(c), 73-006?	RFI RPT	6/97	EPA	L	
1	TA-73; 73-001(c), 73-002, 73-004(c), 73-006?	NFA	6/97	NMED	L	Class 3 Permit Mod.
1	TA-73; 73-001(a, b,d), 73-004(d)	RFI RPT	8/97	EPA	L-M	these landfills (73-001(a,b)) are higher priority
1	TA-1; 1-001(s,u)	RFI RPT	9/96	EPA	townsite	this RFI RPT wasn't shown in LANL's 7/31/96 fax.
1	TA-1; 1-001(s)	IA PLAN	9/96	EPA	townsite	IA RPT to be finished 12/96
2	TA-12/14; 12-001(a,b), 14-002(a,f), 14-003, 14-009, 14-010,	RFI RPT	2/96	EPA	L-M	
2	TA-15; 15-004(b,f), 15-007(b), 15-008(a,b), 15-009(e,j), 15-012, 15-002, 15-004(g), 14-005	RFI RPT	11/95	IPA	H	includes MDA-Z
2	TA-15; 15-008(b)	IA PLAN	9/96	IPA	H	IA RPT due 9/96

FISCAL YEAR 1997 LOS ALAMOS NATIONAL LABORATORY HSWA SUBMITTALS						
FU	TECHNICAL AREA OR SWMU	DOCUMENT TYPE	STATUS/DUE DATE	AGENCY LEAD	PRIORITY	COMMENTS
2	TA-15; 15-014(i,j,k), 15-012(a), 15-008(c), 15-009(a,i,k), 15-010(a-c), 15-011(a-c), 15-014(a,b)	RFI RPT	5/96	IPA	H	outfalls
2	TA-15; 15-007(c)	IA PLAN	1/97	IPA	H	
	TA-18;	RFI RPT	10/95	IPA		
2	TA-18; 18-003(a-d,g)	IA PLAN	5/96	IPA	H	
2	TA-18; 18-003(a-d,g)	IA RPT	10/96	IPA	H	
2	TA-20/53/72; 20-002(d), 20-005, 53-005, 53-006(b-f)	RFI RPT	3/96	EPA	L-M	
2	TA-36; 36-001, 36-003(b), 36-005, 36-004(d), 36-006, C-36-003?	RFI RPT	6/96	EPA	M	MDA-AA
2	TA-36; 36-001	IA PLAN	4/96	EPA	M	MDA-AA; IA RPT due 10/97
2	TA-36; 36-003(b)	EC PLAN	1/97	EPA	M	EC RPT due 11/97
2	TA-39; 39-001(a,b)	RFI RPT	10/96	EPA/NMED	H	MDA-Y; to be negotiated with EPA as a substitute on grant

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FU	TECHNICAL AREA OR SWMU	DOCUMENT TYPE	STATUS/DUE DATE	AGENCY LEAD	PRIORITY	COMMENTS
2	TA-39; 39-002(a)	EC PLAN	1/97	EPA/NMED	M	EC RPT due 4/99; to be negotiated with EPA as a substitute on grant
2	TA-53; 53-006(b-f)	EC PLAN	4/97	EPA	L	EC RPT due 3/98
3	TA-16; 16-003(k), 16-021(c)	RFI RPT	9/96	IPA	L-M	
3	TA-16; 16-029(h2)	RFI RPT	9/96	EPA	L-M	
3	TA-16/11; 11-001(c), 16-005(g), 16-006(c-e), 16-010(i), 16-020, 16-021(a), 16-026(b-e), 16-026(j2, h2), 16-026(v), 16-028(a), 16-010(a, h,k-o), 16-011111116(c), 16-030(h)	RFI RPT	9/96	EPA	L-M	
3	TA-16; 16-005(i), 16-001(e), 16-003(a-o), 16-029(a-g),	RFI RPT	9/96	EPA	M	

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FU	TECHNICAL AREA OR SWMU	DOCUMENT TYPE	STATUS/DUE DATE	AGENCY LEAD	PRIORITY	COMMENTS
4	TA4/5/52/63; 4-001, 4-002, 4-003(a,b), 5-001(a,b), 5-002, 5-003, 5-004, 5-005(a,b), 5-006(b,c,e,h), 52-002(a,e), 63-001(a,b),	RFI RPT	11/96	EPA	M	
4	TA4/5/52/63; 4-001, 4-002, 4-003(a,b), 5-001(a,b), 5-002, 5-003, 5-004, 5-005(a,b), 5-006(b,c,e,h), 52-002(a,e), 63-001(a,b),	NFA	11/96	NMED	M	Class 3 Permit Mod.
4	TA-35; 35-003(d-h, l, m, o, q, ), 35-008	RFI RPT	6/96	EPA	H	
4	TA-35; 35-003(d, l, q, )	IA PLAN	11/96	IPA	H	
4	TA-35; 35-003(e-h, l, m, o, q, ), 35-008	NFA	11/96	NMED	H	Class 3 Permit Mod.

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FU	TECHNICAL AREA OR SWMU	DOCUMENT TYPE	STATUS/DUE DATE	AGENCY LEAD	PRIORITY	COMMENTS
4	TA-35; 35-004(a,g,h), 35-009(e), 35-016(q), 35-014(g),	RFI RPT	7/96	EPA	M	
4	TA-35; 35-010(a-d), 35-014(a,b), 35-003(k,l), 35-015(b), 35-016(a, c, d, k,l,m,o,p), 35-016	RFI RPT	9/96	EPA	M	
4	TA-35; 35-003(d-h, l, m, o, q, ), 35-008, 35-010(a-d), 35-014(a,b,e), 35-003(k,l), 35-015(b), 35-016(m,o,p), 35-004(a,b, g,h), 35-009(e), 35-016(q), 35-014(g), 35-016(a,c,d,k,l), 35-015(a)	RFI PHASE II RPT	1/97	EPA	M	
4	TA-41/2; 41-001, 41-002(a-c), 2-005, 2-006(a,b), 2-007, 2-008(a,b), 2-009(a-c),	RFI RPT	8/96	EPA	M-H	

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FU	TECHNICAL AREA OR SWMU	DOCUMENT TYPE	STATUS/ DUE DATE	AGENCY LEAD	PRIORITY	COMMENTS
4	TA-41/2/35; 41-001, 41-002(a-c), 2-005,2-006(a,b), 2-007,2-008(a,b), 2-009(a-c), 35-004(a)	PHASE II RFI RPT	2/97	EPA	M-H	
4	TA-48; 48-003, 48-005, 48-007(a-d,f), 48-010,	RFI RPT	11/95	EPA	H	
4	TA-48; 48-003, 48-005, 48-007(a-d,f), 48-010,	PHASE II RFI RPT	7/97	EPA	H	
4	OU 1049; Los Alamos/Pueblo Canyons	RFI WKPLAN	In-house (11/95)	NMED	H	
4	OU 1049; Canyons Core Document	CA Deliverable	2/97	NMED	H	
5	TA-6/7/22/40; 6-001(a,b), 6-002, 6-003(a,c-h), 6-007(g), 7-001(a-d), 22-010(a,b), 22-016, 40-001(b,c)?, 40-010	RFI RPT	3/97	EPA	L-M	

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FU	TECHNICAL AREA OR SWMU	DOCUMENT TYPE	STATUS/DUE DATE	AGENCY LEAD	PRIORITY	COMMENTS
5	TA-6/7/22/40; 6-003(a,c-h), 6-007(g), 7-001(a-d), 22-012, 22-014(a,b), 22-015(a,b,d,e), 40-005, 40-010	NFA	3/97	EPA	L-M	Class 3 Permit Mod.
5	TA-6/40; 6-006, 40-004	RFI RPT	3/97	EPA	L-M	
5	TA-6; 6-006	NFA	3/97	NMED	L-M	Class 3 Permit Mod.
5	TA-8/9; 8-004(a-c), 9-001(c), 9-003(a,b,d,e), 9-006	RFI RPT	3/97	EPA	M	
5	TA-8/9; 8-004(a-c), 9-001(c), 9-003(a,b,d,)	NFA	3/97	NMED	M	Class 3 Permit Mod
5	TA-8/9/69; 8-002, 8-006(a), 8-009(a), 9-002, 9-013	RFI RPT	3/97	EPA	M	
5	TA-49; 49-003, 49-004, 49-005(a), 49-006	RFI RPT	2/97	EPA	M	
5	TA-50; 50-006(a)	IA PLAN	3/97	EPA	H	