

General



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
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DALLAS, TX 75202-2733

April 24, 1998

Mr. Richard Nevarez
U.S. Department of Energy
Albuquerque Operations Office
P.O. Box 5400
Albuquerque, NM 87185-5400

Dear Mr. Nevarez:

The Environmental Protection Agency (EPA) has completed its review of the U. S Department of Energy's February 1998 "Accelerating Cleanup: Paths to Closure, Albuquerque Operations Office" (ACPTC) Draft, and offers the attached comments. Please note that a few comments refer to the larger, DOE-wide document, while most refer to the smaller document pertaining only to the Albuquerque Operations Office.

EPA supports the strategic approach presented in the ACPTC document, and recommends that this approach be adopted long-term. Numerous other plans have been presented in recent years, including the "Accelerating Cleanup: Focus on 2006 Plan". EPA recommends that effort be directed more towards cleanup and less towards the development of new plans. The schedules presented in this year's ACPTC document could simply be updated each year, without developing a new plan. Environmental results should be demonstrated before completing another iteration of this process.

EPA appreciates the opportunity to comment on this document and supports DOE's efforts to involve the public and other stakeholders in this strategic planning process. EPA believes that it is crucial for Sandia National Laboratories/New Mexico and Los Alamos National Laboratory to receive the funding necessary to carry out the ACPTC strategy, and to meet permit requirements.

If you have any questions concerning these comments, please contact Ms. Nancy Morlock of my staff at (214) 665-6650 or Mr. Rich Mayer of my staff at (214) 665-7442.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "David W. Neleigh".

David W. Neleigh, Chief
New Mexico and Federal Facilities

Enclosure



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cc: Sandia and Los Alamos CABs
✓ Benito Garcia, NMED

EPA COMMENTS
U.S. Department of Energy "Accelerating Cleanup: Paths to Closure"
February 1998 Draft
Albuquerque Operations Office

General Comments

1. AL Specific Assumptions, Page 4

- A. What is the basis for the assumption that "Regulatory agencies will have sufficient resources to act in a timely manner so that there will not be significant adverse impacts on scheduled actions"? It is unrealistic to assume that regulatory agencies, specifically the New Mexico Environment Department (NMED), will have the resources to take timely action on *all* DOE/NM submittals. Also, how does DOE define "timely manner"? The previous "2006 Plan" assumed a 3 month review process, which was unrealistic.
- B. The assumption that "Ongoing characterization of release sites will not reveal remediation issues that will result in significant increase in scope" may be invalid. What about sites that have yet to be characterized? ✓

2. Waste Disposition, Page 8 (also, Attachment 3)

What about on-site treatment of wastes prior to off-site disposal? Attachment 3 (which is very difficult to read) shows that incineration may take place prior to disposal. Will this incineration be done on-site, or will it be completed at a commercial facility? It is EPA's understanding that incineration was not permitted within Bernalillo County.

Comments Specific to the Los Alamos National Laboratory (LANL) Summary

3. The 2008 date that LANL has targeted for completion of the environmental restoration (ER) program is achievable. However, LANL needs to ensure that they perform quality investigations and submit quality reports and workplans. Past performances in the ER program have generally not met those standards.
4. **Page 36; Completion Schedule for the EM Program (from the large "Accelerating Cleanup: Paths to Closure" Document)**
Are the completion dates contained in this section the dates which DOE approves the completion or the dates that the appropriate regulatory agency approves the completion? ✓
5. **Page E-10; First Paragraph (from the large "Accelerating Cleanup: Paths to Closure" Document)**
The groundwater contamination standard for nitrates in New Mexico is 10 mg/l.

6. **Page E-10; 3rd paragraph (from the large “Accelerating Cleanup: Paths to Closure” Document)**

This paragraph states that the environmental restoration project at LANL will be completed by 2008. Does this completion date assume approval by the State, or does it assume approval by DOE only? Please clarify. ✓

7. **Page E-14; Exhibit E-2 (from the large “Accelerating Cleanup: Paths to Closure” Document)**

This chart indicates that there will be no costs associated with “Waste Management - Newly Generated Waste” after 2007. However, the chart also indicates that the “defense programs” will “take over” newly generated waste costs in 1999. Why is there a newly generated waste management cost from 1997 to 2006? Please clarify.

8. **Page 50; Overview (from the Albuquerque Summary)**

DOE states that “groundwater remediation will not be necessary at LANL.” EPA disagrees with this assumption, as many sites are inadequately characterized so that the need for groundwater remediation cannot be determined at this time. This issue is of particular importance in the LANL canyons, which drain runoff from the contaminated mesa sites. LANL has not adequately characterized contamination in the shallow groundwater and surface waters of the canyons, as NMED has only recently approved the Canyons Core Workplan. ✓

EPA also disagrees with DOE’s statement that “major sites such as the southern most canyons and many smaller material disposal areas will not require implementing the full corrective measures process.” Although DOE has recommended No Further Action (NFA) for the solid waste management units (SWMUs) and potential release sites (PRSs) contained in the material disposal areas (MDAs), EPA has recommended further site characterization at the MDAs, and NMED has yet to approve NFA for any of these sites.

Lastly, EPA requests that DOE clarify the statement that “natural resource injury and cumulative impacts can be evaluated and mitigated within the scope of this plan.”

9. **Page 52; Last paragraph (from the Albuquerque Summary)**

The LANL document *Risk-Based Corrective Action Process* (LA-UR-96-2811) has not been approved by the Administrative Authority. EPA has repeatedly commented that the use of the Multiple-Chemical Evaluation (MCE) and the misapplication of Preliminary Remediation Goals (PRGs) does not follow EPA guidance. EPA believes that the misapplication of the MCE and PRGs to Phase I investigation results often eliminates contaminants of concern from further investigation before the extent of contamination has been delineated.

10. **Page 53; 2nd paragraph (from the Albuquerque Summary)**

The document states that “The ER Project expects to either have no action or will cap in

place about 85 percent of the approximately 300,000 cubic meters of contaminated media currently estimated to be in place at LANL". EPA believes that the 85 % number quoted for no action/capping is too optimistic.

11. **Page 54; ER Project (from the Albuquerque Summary)**
LANL states that 1370 out of 2120 SWMUs have been identified as requiring no further action; however, none of the NFA proposals have been approved by NMED. LANL has performed corrective action for nearly nine years and has yet to receive a no further action decision on any site. Verbiage should denote that NFA recommendations have been made by DOE for these sites, but have not been approved by the Administrative Authority. ✓
12. **Page 54, 2nd paragraph; ER Project (from the Albuquerque Summary)**
Please explain the efficiency enhancements at LANL which will reduce the costs of the ER program from 3 billion to 1 billion dollars.
13. **Page 54; Table LANL 1 (from the Albuquerque Summary)**
In this table LANL has a column titled "Number of Cleanups Completed" per fiscal year. What is LANL's definition of cleanup?

Comments Specific to the Sandia National Laboratories Summary

14. **End State, Future Use and Stewardship, Page 45**
The document states that future uses have been agreed to by the Air Force, DOE, the Forest Service, and interested stakeholders. What groups are included as "interested stakeholders"? It is EPA's understanding that the NMED has not yet approved these future uses. The document should therefore state that regulatory concurrence on these future uses, as they relate to cleanup levels, has not been received.
15. **Section B.1, ER Project, Page 45**
The document states that "Future land use designations are used to establish acceptable, risk-based remediation criteria." Again, these land use designations have not been agreed to by NMED. ✓
16. **Section D, Scope, Cost and Schedule**
 1. **ER Project, Page 48**
The document states that "Of the original 228 potential release sites, only a few dozen remain to be closed." How does DOE define when a project is closed? It may be accurate to state that "...all but a few dozen remain to be proposed for No Further Action". But clearly, EPA and NMED have not granted closure (approved NFA requests) for 200 sites. ✓

Comments Specific to the Waste Isolation Pilot Plant (WIPP):

17. The assumption listed on page 3 that WIPP will open in FY98 for shipments may not be valid. Both the RCRA application and Compliance Certification Application state that all TRU wastes are mixed with hazardous components. Before shipments may begin the DOE must obtain a State RCRA Part B permit as well as Federal approval of the Compliance Certification Application. If DOE fails to secure both regulatory actions in FY98, will the "Accelerating Cleanup: Paths to Closure" program be affected? Further, has the Carlsbad Area Office (CAO) reviewed and concurred on this document?
18. There is confusion between statements on page 5 and page 50. Page 5 states that the assumption of technology breakthroughs is insupportable. Page 50 still lists existing technologies as the means to handle and ship high wattage and high gas generating TRU wastes to WIPP. This assumption appears to be in conflict with the waste characterization program under review at this time. AL should confer with CAO to be certain that this assumption is valid.