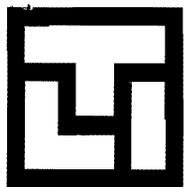


General

Carl W.



ENTERED

300 UNION BOULEVARD, SUITE 600, LAKEWOOD, CO 80228

TECHLAW INC.

PHONE: (303) 763-7188

FAX: (303) 763-4896

December 11, 2001

2001
RECEIVED

Mr. James Bearzi
State of New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East
Building One
Santa Fe, New Mexico 87505-6303

Reference: Work Assignment No. Y513, 06082.350; State of New Mexico Environment Department, Santa Fe, New Mexico; General Permit Support Contract; Research and Permitting Support for the Los Alamos National Laboratory, Work Plan

Dear Mr. Bearzi:

Enclosed please find the Work Plan for the assistance to the New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB) in providing legal research and RCRA permitting assistance. The Work Plan is based on discussions between NMED and TechLaw on November 28th and 29th, 2001. The Work Plan addresses both technical and RCRA legal support. Due to the complexity of the tasks involved, tasks have been separated into major categories. In addition, the tasks have been written very broadly to provide both technical and legal staff maximum flexibility.

Because of the need for this flexibility, you have requested that all work assignments other than those specifically addressed in the work plan, or those assigned during the scoping meeting, be issued directly from you. A separate memo, per your direction, will be drafted to address this process.

If you have any questions, please feel free to contact me at (303) 712-3704.

Sincerely,

June K. Dreith
June K. Dreith
Program Manager

cc: Mr. Carl Will, NMED, HWB
Ms. Pam Allen NMED, HWB
Mr. John Kieling, NMED, HWB
Ms. Cindy Abeyta, NMED, HWB
Mr. John Young, NMED, HWB
Mr. David Cobrain, NMED, HWB

Mr. Gary Walvatne, TechLaw
Ms. Paige Walton, TechLaw
Mr. B. Jordan, TechLaw Central Files
Ms. Charlotte Robinson, Esq.
Ms. Julie Wrend, Esq.

32394



WORK PLAN

RESEARCH AND PERMITTING SUPPORT FOR LANL

Submitted by:

**TechLaw, Inc.
300 Union Boulevard, Suite 600
Lakewood, CO 80228**

Submitted to:

**Mr. James P. Bearzi
State of New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East
Building One
Santa Fe, New Mexico 87505**

In response to:

Work Assignment No. Y513.06082.350

December, 2001

WORK TO BE PERFORMED

TechLaw, Inc. (TechLaw) will assist the New Mexico Environment Department Hazardous Waste Branch (NMED HWB) with both legal and permitting support. The technical support which will be provided include the following:

- (1) Technical administrative evaluation of the TA-54 application, including any completeness issue which are noted during the review. Upon completion of the review, a draft Request for Supplemental Information (RSI) or Notice of Deficiency (NOD) will be prepared. Review any responses to the RSI/NOD as directed by NMED.
- (2) Prepare draft permit conditions for TA-54 based on the application, the model permit conditions provide on TA-50, and any additional responses submitted by the application to the RSI/NOD.
- (3) As directed by NMED (James Bearzi) assist NMED in the review of the closure/post-closure plans for TA-54; areas G, H, L and other submittals. It should be noted that the closure/post-closure plans have not been provided to TechLaw to review. Prepare a RSI/NOD accordingly.
- (4) As directed by NMED, review any responses from the applicant regarding the closure/post-closure plans and determine the adequacy of the comments. If comments are not adequate than assist NMED in drafting the closure/post-closure plan(s).
- (5) Assist NMED in the review, or QA/QC of the "general" sections of the permit, which are part of the "site-wide" permit. All sections may be reviewed by TechLaw but NMED has expressed interest in the technical review of the waste analysis/waste characterization sections, the groundwater monitoring program and the subpart AA/BB/CC sections. It should be noted that TechLaw has not received the necessary documents to conduct this review, or the technical direction from Mr. Bearzi to move forward on this task.
- (6) Assist in the administrative evaluation of TA-55 and prepare a RSI/NOD as necessary (see #1). It should be noted that TechLaw has not received the documents for review, or the technical direction from Mr. Bearzi to move forward on this task.
- (7) Assist in preparing draft permit conditions for TA-55 based on the application, the model conditions provided on TA-50, and any responses to the RSI/NOD reviewed.
- (8) Participate in any conference call, meeting with NMED or facility as requested by NMED.
- (9) Prepare crosswalk between general section permit conditions and the specific TA's permit conditions.
- (10) Review any SWMU reports prepared by LANL and submitted to NMED. Provide any additional technical support as necessary to expedite the completion of the LANL permit.

TechLaw has not received any documents under this task, nor received direction to conduct these reviews.

- (11) Provide general permitting support such as, but not limited to; preparing a fact sheet, public notice, and providing public hearing support including expert witnesses.

The legal support which will be provided include the following:

- (1) Provide legal research support on NRC and the Atomic Energy Act to determine which types of radioactive waste (special nuclear or by-product material) are exempt or excluded from RCRA regulation. This research should be directly related to the LANL site and the units at the site. The General Counsel shall provide direction on the unit of concern.
- (2) Provide legal research support on the most appropriate manner in which to close area "G". Provide legal direction on whether the unit (Landfill) should be closed, under 40 CFR 264 and closure requirements, or if closure/post-closure should be conducted under a Corrective Action Order, or the Corrective Action portion of the permit. Provide additional legal assistance as it relates to issues of Area "G".
- (3) Provide research assistance on the use of 40 CFR 265 subpart P in drafting permit conditions for the OB unit(s) in TA-16.
- (4) Provide general legal support, including research, drafting briefs, orders, etc. as directed by NMED.
- (5) Provide permitting assistance in preparing for public meeting and public hearing. Prepare written and oral testimony and prepare witnesses.
- (6) Participate in meetings, conference calls, and meetings with the facility as directed by NMED.

TechLaw intends to assign several highly qualified staff to perform these tasks. Since the project is time sensitive, a larger number of personnel have been assigned to perform the work assignment than would normally be used. In doing so, TechLaw can accomplish a quick turn-around without sacrificing product quality. Highly qualified staff familiar with RCRA permitting or familiar with the legal issues will assist NMED. As part of the technical review, technical staff will require some time to come-up to speed and become familiar with the facility.

The TechLaw Program Manager, Ms. June Dreith, will maintain communication with Mr. James Bearzi regarding the progress of activities and any unanticipated conditions encountered that will change the schedule, scope of work, or the estimated cost to complete this project.

SUBCONTRACT

Ms. Charlotte Robinson, Esq. and Ms. Julie Wrend, Esq. will be subcontractors for this work assignment.

PRIMARY INTENDED USE

The purpose of this work assignment is to provide technical support to the NMED HWB in their preparation of the RCRA permit renewal for the LANL. The NMED will make all final determinations regarding the corrective action permit section and any legal research performed by TechLaw and our subcontractors.

Also, provide additional support in the evaluation, review and preparation of the corrective action order and other technical and legal work as directed by NMED.

PROJECTS AND TASKS

- Task 1 - Provide management oversight for the project, which will include availability of the TechLaw Program Manager and TechLaw Project Manager to NMED. Conference calls, project tracking and performance evaluation, and monthly reports are included in this task.
- Task 2 - Provide technical assistance in conducting and administrating completeness/adequacy reviews of area TA-54's application. Prepare a Request for Supplemental Information (RSI) or Notice of Deficiency (NOD).
- Task 3 - Prepare draft permit conditions for TA-54 based on application, model conditions (provided by NMED) and any responses to RSIs and NODs.
- Task 4 - Review closure/post-closure plans for TA-54, areas G, H, L and any other areas as directed by NMED.
- Task 5 - Review facility response to closure/post-closure plans and determine the adequacy of the response to comments. If not adequate, prepare a NOD or RSI.
- Task 6 - If inadequate closure/post-closure responses are provided, it may be necessary for NMED to draft the closure/post-closure plan for some or all TA's or areas, or modify the plans significantly. As directed by NMED TechLaw will assist in the task.
- Task 7 - Provide QA/QC of other sections of the application or permit. Including TA's 50, 16, 55 as well as the "general" sections. NMED has expressed interest in having the waste analysis plan/waste characterization section, the groundwater monitoring section and the subpart AA/BB/CC section reviewed.

- Task 8 - Assist in the administrative evaluation of TA-55, and prepare and RSI/NOD as necessary. NMED has not determined if TechLaw or NMED will take the lead on this section.
- Task 9 - Assist in preparing draft permit conditions for TA-55.
- Task 10 - Participate in meetings, conference calls and meeting with the facility.
- Task 11 - Prepare crosswalk between general section permit conditions and the TA-specific conditions.
- Task 12 - Review SWMU Reports submitted to NMED. Prepare a report on any deficiencies.
- Task 13 - Provide general permitting support such as, but not limited to, preparing a fact sheet, public notices, providing public hearing support, and expert witnesses.
- Task 14 - Provide legal research support on NRC and the Atomic Energy Act to determine which type of wastes (i.e., special nuclear or by-product materials) and units may be exempt or excluded from the RCRA regulations. This research will be directly related to LANL.
- Task 15 - Provide legal research support on the most appropriate manner in which to close area "G". Provide legal direction on whether the unit (Landfill) should be closed, under 40 CFR 264 or the Corrective Action procedures.
- Task 16 - Provide general legal support, including research drafting briefs, orders, etc. as directed by NMED.
- Task 17 - Provide research assistance on the use of 40 CFR 265 subpart P in drafting permit conditions for the open burn unit in TA-16.
- Task 18 - Provide legal assistance in preparing for public meetings and public hearing. Prepare written and oral testimony and prepare witnesses.

PROGRESS REPORTS

Information regarding the status of this project will be included in monthly progress reports prepared by TechLaw, Inc. The reports will be a brief summary of project status, to include:

- Work completed to date,
- Difficulties encountered and remedial action taken,
- Anticipated activity during the subsequent reporting period.
- Funding status, and
- Issues/topics that have arisen.

QUALITY CONTROL PLAN

The TechLaw Project Manager will review all deliverables prior to provision to the NMED to ensure product quality. In addition, each deliverable will undergo independent QA/QC so that the highest quality deliverable is provided to NMED. The Project Manager will also conduct milestone checks on each task outlined in the SOW and all other activities to ensure that the project is proceeding as scheduled. The Project Manager will be in constant communication with NMED to ensure task accomplishment.

STAFFING AND MANAGEMENT

Ms. June Dreith is the TechLaw Program Manager/Work Assignment Manager for the State of New Mexico general permit support contract. Ms. Dreith is an environmental specialist with 20 years professional experience, including management of permit applications reviews and other projects.

Ms. Paige Walton will serve as the Assistant Work Assignment Manager and as Technical Lead. Ms. Walton is an environmental scientist with over nine years experience in risk/dose assessments, RCRA corrective action, permitting, geology/hydrology and radiological decontamination and decommissioning. Ms. Walton is well qualified to provide technical assistance to the NMED HWB.

Mr. Gary Walvatne is a geologist and will serve as the other technical lead for this project. Mr. Walvatne has over 20 years experience in RCRA corrective action, permitting and RCRA remediations.

Mr. Jim Ashworth is a geologist/hydrogeologist with extensive experience in reviewing geologic and hydrogeologic sections of RFIs, Corrective Measure Studies, Corrective Measures Implementations and Part B permits.

Dr. Rick Kulthau is a hydrologist whose professional experience includes review of groundwater modeling, corrective actions and working with modeling codes, including Monte Carlo simulations and finite element codes.

Mr. Michael Smith is an environmental engineer and researcher with over 19 years of experience. He has worked with both corrective action issues and RCRA permitting requirements in the permitting area.

Ms. Connie Walker is a geologist with over 18 years experience. She has managed and performed numerous projects including evaluation of groundwater monitoring systems, waste analysis plan, reviews, and waste characterization.

Mr. Steve Druschel is a registered professional engineer in 5 states including New Mexico, and has over 20 years experience. He is specialized in many aspects of RCRA including engineering designing, landfill construction, and has heavily be involved in subpart AA/BB and CC.

Ms. Jasmine Merkle has conducted and managed numerous RCRA training projects, and has been involved in the technical and completeness reviews of numerous RCRA permit applications.

Ms. Stacy Thomason is in environmental health science with 4 years experience in reviewing part B permit application and over-viewing RFI and performing RFA.

Mr. Rob Young is a hydrogeologist with extensive experience in evaluating hydrology, corrective action and corrective action monitoring. He has reviewed RCRA RFIs, Corrective Measure Studies and Corrective Measures Implementation Plans.

Ms. Charlotte Robinson, Esq. is an attorney who specializes in environmental law. Her vast experience in the field includes transportation (Colorado), air quality, RCRA, NEPA, CERCLA, and underground storage tanks.

Ms. Julie Wrend, Esq. is an attorney who specializes in environmental law. Her experience includes air quality, NRC regulations as it relates to environmental programs, and RCRA.

Ms. Christi Olin is an Administrative Assistant in the Denver office and has over 15 years experience in project assistance and administrative and clerical responsibilities.

Ms. Susan Pearson is an assistant for the Denver office with over 10 years of experience in administrative and clerical responsibilities.

Individual staff responsibilities are shown in Attachment I, and hourly allocations are shown in Attachment II. The hourly staffing allocations are based upon a worst-case type scenario, as the actual amounts of documentation required for review is unclear at this time.

PERFORMANCE SCHEDULE

TechLaw shall complete the tasks in accordance with a schedule agreed upon with NMED. TechLaw is aware of the need by NMED to expedite the schedule and will work in a timely fashion and meet the schedules agreed upon. TechLaw has received verbal approval on his project.

COST ESTIMATE

The estimated cost for completing project tasks scheduled to date is included as Attachment III. Travel is included in this Work Plan.

ATTACHMENT I

STAFF RESPONSIBILITY CHART

STAFF	ROLE	AREAS OF RESPONSIBILITY
J. Dreith	Program Manager/ Technical Staff	General program oversight, monitoring of project planning and implementation, including performance of activities. Overall project management including day-to-day management of project progress, project tracking, liaison to State, including performance of activities.
P. Walton	Assistant Project Manager Technical Lead/ Technical Staff	Assist in general program oversight. Assist in drafting permit for TA-54 and other technical assistance is assigned. Including other TA-permit sections and evaluation of general sections.
G. Walvatne	Technical Lead/ Technical Staff	Technical lead; Provide assistance in drafting permit for TA-54. Other technical tasks may include evaluations of other TA-permit sections and evaluation of some general sections.
M. Smith	Technical Staff	Provide technical assistance in the engineering review, air modeling and other general sections.
J. Ashworth	Technical Staff	Provide technical assistance in the groundwater monitoring sections of the general sections and other TA-permit section as assigned.
C. Walker	Technical Staff	Provide assistance in the review of the "general" sections, TA-54, or other TA-sections as assigned. Provide assistance in the WAP.
S. Thomason	Technical Staff	Provide technical assistance in the general sections, or other TA sections.
R. Young	Technical Staff	Provide technical assistance.
S. Druschel	Technical Staff	Provide assistance in the AA/BB/CC sections, the engineering sections and corrective action section as assigned, or any other technical issues.
J. Merkle	Technical Staff	QC of general sections and Permit modules associated with general sections.

STAFF	ROLE	AREAS OF RESPONSIBILITY
C. Robinson	Outside Legal Counsel	Conduct legal research and support. Perform legal evaluation of draft permit as directed by NMED.
J. Wrend	Outside Legal Counsel	Conduct legal research and support. Perform legal evaluation of draft permit as directed by NMED.
C. Olin	Administrative Assistant	Project assistance and clerical responsibilities.
S. Pearson	Administrative Assistant	Project assistance and clerical responsibilities.

ATTACHMENT II

STAFFING HOURLY ALLOCATIONS

Name	Labor Category	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	Total
<u>Program Mgr/Work Assignment Mgr.</u>																				
J. Dreith	P-4	80	0	0	0	0	0	0	0	0	40	0	0	0	0	0	0	0	0	120
<u>Technical Leads</u>																				
P. Walton	P-3	48	0	0	0	0	0	0	0	0	40	0	0	0	0	0	0	0	0	88
G. Walvatne	P-4	30	0	0	0	0	0	0	0	0	40	0	0	0	0	0	0	0	0	70
<u>Technical Staff</u>																				
M. Smith	P-4	0	0	0	0	0	0	30	0	0	0	0	0	24	0	0	0	0	0	54
J. Ashworth	P-4	0	0	0	0	0	0	60	0	0	0	0	40	24	0	0	0	0	0	124
C. Walker	P-4	0	0	0	60	20	0	30	0	0	0	0	0	30	0	0	0	0	0	140
R. Young	P-4	0	0	0	0	0	0	0	0	0	0	0	80	0	0	0	0	0	0	80
S. Druschel	P-4	0	0	0	0	0	0	36	0	0	0	0	0	24	0	0	0	0	0	60
J. Merkle	P-3	0	24	30	0	0	0	0	24	0	0	0	0	0	0	0	0	0	0	78
S. Thomason	P-1	0	0	0	60	20	40	0	0	40	0	32	0	24	0	0	0	0	0	216
P. Walton	P-3	0	0	40	0	0	40	20	48	40	0	24	40	40	0	0	0	0	0	292
G. Walvatne	P-4	0	48	40	0	20	20	20	20	40	0	0	40	40	0	0	0	0	0	288
J. Dreith	P-4	0	20	40	0	0	0	0	0	30	0	0	0	40	0	0	0	0	0	130
<u>Subcontractors</u>																				
C. Robinson		0	0	0	0	0	0	0	0	0	40	0	0	0	20	40	10	4	80	194
J. Wrend		0	0	0	0	0	0	0	0	0	40	0	0	0	40	20	30	24	80	234
<u>Clerical Staff</u>																				
C. Olin		8	0	12	6	6	12	12	6	18	0	6	6	12	2	2	2	2	0	112
S. Pearson		0	0	4	2	2	4	4	2	6	0	2	2	4	2	2	2	2	0	40
TOTAL		166	92	166	128	68	116	212	100	174	200	64	208	262	64	64	44	32	160	2,320

ATTACHMENT III
COST ESTIMATE

Name	P-Level	Hours	Cost			
J. Dreith	P-4	250	\$ 23,612.50			
P. Walton	P-3	380	27,181.40			
G. Walvatne	P-4	358	36,426.50			
M. Smith	P-4	54	5,354.64			
J. Ashworth	P-4	124	11,313.76			
C. Walker	P-4	140	15,247.40			
R. Young	P-4	80	6,768.00			
S. Druschel	P-4	60	4,521.60			
J. Merkle	P-3	78	5,389.80			
S. Thomason	P-1	216	8,527.68			
C. Robinson	Outside Counsel	194	34,784.20			
J. Wrend	Outside Counsel	234	36,711.81			
C. Olin	Clerical	112	4,522.56			
S. Pearson	Clerical	40	1,615.20			
Total Labor		2,320	\$ 221,977.05			
Other Direct Costs:						
Reproduction	Copies	15,000	\$0.06 \$900.00			
Telephone	Minutes	3,800	0.23 874.00			
Telephone	Conference Calls	5	150.00 750.00			
Computer	DL hours	1,892	0.99 1,873.08			
Postage/Shipping	Lbs.	400	3.99 1,596.00			
Total Other Direct Costs			\$ 5,993.08			
Travel	Airfare	Hotel	Meals	Rental Car	Mileage & Parking	Total
Denver – Santa Fe (2 persons, 1 trip)	\$ 660.00	\$ 780.00	\$ 460.00	\$ 500.00	\$250.00	\$2,650.00
Denver – Santa Fe (2 person, 1 trip)	660.00	780.00	460.00	500.00	250.00	\$2,650.00
Total Travel Costs	\$1,320.00	\$1,560.00	\$ 920.00	\$1,000.00	\$500.00	\$5,300.00
Total Estimated Amount						\$ 233,270.13

* Associated with optional task.