



JUL 8 1983

Department of Energy
Albuquerque Operations
Los Alamos Area Office
Los Alamos, New Mexico 87544

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PEM SECTION

Allyn M. Davis, Director
Air and Waste Management Division
U. S. Environmental Protection Agency
InterFirst Two Building
1201 Elm Street
Dallas, Texas 75270

Dear Mr. Davis:

We have received your letter of July 1, 1983, related to a recent Environmental Protection Agency (EPA) and New Mexico Environmental Improvement Division (EID) visit to the Los Alamos National Laboratory on June 20, 1983, and particularly to the groundwater monitoring status at the Laboratory, and have the following comments:

1. The Laboratory currently possesses a groundwater monitoring waiver from the provisions of 40 CFR 761.41. DOE is currently subject to the PCB regulations, therefore the application was made and granted by letter dated June 5, 1980, Aldene Harrison, who, at the time was EPA Region VI Administrator, to K. R. Braziel, then Manager, Los Alamos Area Office. The waiver was granted after several exchanges of correspondence, and I assume that the supporting material is on file at EPA Region VI. If not, the back-up material for that exemption request can be provided to you.
2. The Department of Energy (DOE) currently takes the position that the hazardous waste regulations related to the Resource Conservation and Recovery Act (RCRA), 40 CFR 260-265, do not apply to facilities operated under the Atomic Energy Act as authorized in Section 1006 of the RCRA. Until further advised, DOE's position in this matter is that DOE is responsible for hazardous waste activities, including the granting of waivers. Should this position change, and it becomes fact that DOE must comply with 40 CFR 260-265 requirements, we will of course do so.
3. The groundwater monitoring exemption request discussed during the EPA June 20, 1983 visit, was related to 40 CFR 264.90 (b) not 40 CFR 761.41. The Laboratory has prepared a first draft exemption request, which is being reviewed by DOE.



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4. The EPA employee requested a copy of this draft. She was informed by the DOE representatives that DOE intended to review and approve the exemption request. She was further informed that when DOE had reviewed the request, the entire package (application plus back-up plus approval notice) would be sent both to EPA and the State of New Mexico for information.
5. The EPA employee was informed that she could have published geotechnical documents related to the past and current exemption requests. Some of these published documents are part of the exemption process described in Item 1, above, and should already be in EPA Region VI files. The EPA employee declined this offer, stating that EPA wanted the complete exemption package. Again she was informed that EPA would get the information, but that DOE wished to perform its in-house review and approval function first. DOE stands by this commitment.
6. The current draft exemption request relies heavily, and with good reason, on facts similar to those supporting the EPA-granted request for exemption under the PCB regulations. These facts include a water table greater than 850 feet below the storage site, semi arid weather conditions, unsaturated soils, no flooding, limited water supply and main aquifer monitoring. The eight assumptions described in Federal Register 47 FR 32293, July 26, 1982 are used in making extremely conservative travel time predictions.

DOE and the Laboratory are well aware of the need for groundwater monitoring in certain situations, and take their responsibility to protect the public health and safety most seriously. We will be happy to meet with you at your convenience to discuss this matter. Please feel free to call Bill Crismon at FTS 843-5288 or Wally McCorkle at FTS 843-7957, if you have any questions.

I trust I have responded to your concerns.

Sincerely,

Original signed by
Harold E. Valencia

Harold E. Valencia
Area Manager

cc:

Raymond Sisneros, NMEID, Santa Fe, N.Mex.