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Los Alamos National Laboratory
Los Alamos, New Mexico 87545

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memorandum

TO: Tom Gunderson, EM-DO, MS K491

DATE: January 14, 1992

THRU: ^{rw} Roger Ferenbaugh, EM-8, MS K490

MAIL STOP/TELEPHONE: K490/7-0819

FROM: David McInroy, EM-8 [signature]

SYMBOL: EM-8:92-108

SUBJECT: **OVERSIGHT OF THE HSWA PERMIT**

The Environmental Restoration Program Office (EM-13) has accomplished several tasks within the scope and overall objectives of the program during the forth quarter of 1991. Accomplishments included continued progress in the development of the eight work plans that are due to the Environmental Protection Agency (EPA) in May of 1992. Other Program activities included interactions and negotiations with regulatory agencies and audits by the Department of Energy (DOE) Tiger Team and the Office of Management and Budget (OMB). Numerous reconnaissance investigations also were completed. Some of the Program's activities are listed below in greater detail.

On October 30, 1991, the DOE received a Notice of Deficiency (NOD) for the RCRA Facility Investigation (RFI) Workplan dealing with TA-21. This Plan was originally submitted to EPA in May of 1991. The NOD listed the schedule for the investigation as the problem. LANL and DOE negotiated a fix by agreeing to provide EPA annual technical memos that describe yearly progress.

On November 8, 1991, the DOE Tiger Team revealed findings from their month long audit. The close-out called out problems associated with organization and management. For a program as young as the ER Program, this should come as no surprise. There still remains confusion between auditors, DOE, EPA and LANL of just what the role of CERCLA is within the Program.

The week of December 2, 1991, the ER Program 5 year Plan was audited by the Office of Management and Budget (OMB), assisted by the Army Corps of Engineers.

The Laboratory received approved RCRA closure plans for the TA-40 Scrap Detonation Site on September 13, 1991 from the New Mexico Environment Department. The effective date of the Plan was September 30, 1991. To date the Laboratory has not received a notification that the closure has been categorically excluded under the National Environmental Policy Act (NEPA). However, the closure must be completed within 180 days of the effective date (September 30, 1991) or the Lab will be in violation of RCRA.

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Other activities continuing within the ER program office this quarter include the completion of 3 Interim Action Reconnaissance Reconnaissance Surveys. These surveys were done in support of construction activities or were voluntary corrective actions. The total number of these surveys done to date is 38. The Waste Site Studies Section within EM-8 also has completed numerous sampling plans for future surveys.

Quarterly pore gas sampling continues to take place as the permit requires. These data are being modeled to help delineate the organic plume originating from TA-54, Area "L."

The UST removal program has come to a halt because of the lack of space to perform proper treatment (landfarming). It appears that EM-7 would rather resolve the treatment issue than to send the soils offsite for disposal. **The lack of a solution to this problem is threatening compliance.**

To date the laboratory has met all regulatory deadlines driven by the HSWA permit. The program, however, continues to have problems with the timely development and delivery of the *Management Status Reports* and the *Technical Progress Reports* that are to be submitted monthly and quarterly, respectively, to DOE and EPA. EPA has overlooked these consistently late deliveries, passing them off as not a crucial part of the program. This opinion could change at any time, resulting in a violation

Please feel free to call me if you have any questions.

Cy: K. Hargis, EM-8, MS K490
J. White, EM-8, MS K490
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