

Permit

Chandra
my meeting

M E M O R A N D U M

TO: Judith M. Espinosa, Secretary
New Mexico Environment Department

THRU: *BJ* Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

FROM: *W* Bruce Swanton, DOE EM Oversight
Program Manager

DATE: June 29, 1994

SUBJECT: Status of DOE Compliance with HSWA Permit Task III
RE: HRMB Monthly Report, May 1994, Page 10, Item 1

A meeting was held on May 20, 1994 regarding LANL's Installation Work Plan, a document that is designed to comprehensively lay out the means by which LANL institutes its environmental restoration programs. During the meeting Task III of LANL's HSWA permit was discussed and there appeared to be general agreement that LANL was out of compliance with this section of the permit. Task III essentially requires LANL to have knowledge regarding the hydrogeology of the subsurface under the site, among other things, which it does not have at this time.

I drew up a draft of the meeting notes and gave them for review to all NMED attendees (see attached), incorporated their comments and sent the draft to Edward Norris (LANL). He indicated that he did not agree with the statement in the notes and I reviewed the HSWA Permit, finding that there was no date associated with the completion of Task III. As the actions therein are open-ended, it was my conclusion that LANL cannot formally be construed to be in abeyance of their obligations; however, as indicated in the final version of the meeting notes (attached) neither can LANL be said to have fulfilled these requirements as of this time.

As LANL/DOE is not technically out of compliance with its permit it will be unnecessary to contact EPA in order to initiate enforcement actions.