

FILE HSWA LANL GEN/MISC/P

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GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous & Radioactive Materials Bureau
2044 Galisteo
P.O. Box 26110
Santa Fe, New Mexico 87502
(505) 827-1557
Fax (505) 827-1544



MARK E. WEIDLER
SECRETARY

EDGAR T. THORNTON, III
DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

December 3, 1996

Mr. Theodore J. Taylor, Program Manager
Department of Energy
Los Alamos Area Office
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

Mr. Jorg Jansen, Program Manager
Environmental Restoration
Los Alamos National Laboratory
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

RE: REPLAN COMMENTS

Dear Mr. Taylor and Mr. Jansen:

During the October 23, 1996 monthly meeting, the Department of Energy (DOE)/Los Alamos National Laboratory (LANL) requested that the New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) provide written comments on the proposed Replan dated October 10, 1996. Due to the short response time requested, NMED HRMB can provide only the following general concerns.

NMED HRMB's review of the Replan indicated that the investigations of the canyon systems as required within the HSWA Module of the RCRA Permit continue to follow a retarded schedule of investigation. NMED HRMB has repeatedly expressed its concern with the lack of accelerated activities regarding the canyon systems. In a letter dated June 10, 1996 to Mr. Taylor, NMED HRMB explicitly expressed that the investigation of the canyons systems are of high priority to the NMED and that the canyons' investigatory activities should be accelerated. Also, within the letter to Mr. Todd from



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Mr. Kelley dated July 24, 1996, NMED specifically requested the accelerated drilling of a particular well in Los Alamos Canyon.

Although the replan does not provide for the acceleration of all the canyon systems, NMED HRMB would like to acknowledge that it does accelerate the investigation of certain reaches of both DP and Sandia Canyons. These comments and requests have not been addressed within the FY97 Replan.

NMED HRMB's other major concern with the replan is DOE/LANL's initiative to conduct Voluntary Corrective Actions (VCAs) on Potential Release Sites (PRSs) that are not relatively small in scale or considered low in risk. The PRSs currently undergoing VCAs and those proposed for VCAs are generally not low-risk or small-scale as described in the 40 Code of Federal Regulations Subpart S guidance and in the Environmental Restoration Document of Understanding (DOU). As stated within the DOU, PRSs suitable for VCA consideration include those PRSs with radioactive-only constituents of concern, promulgated remediation criteria, and non-systematic releases. It is NMED HRMB's position that most of the PRSs either undergoing or proposed for VCAs should be considered accelerated actions requiring both regulatory and public involvement.

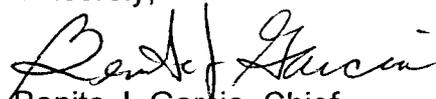
NMED HRMB understands that LANL intends to propose the Replan as the Resource Conservation and Recovery Act (RCRA)/Hazardous and Solid Waste Amendment (HSWA) permit Schedule of Compliance (SOC) and include it within the 1996 Installation Work Plan (IWP). As a complement to the proposed Replan and the IWP, NMED HRMB requests that LANL submit a summation of its current understanding of the SOC no later than December 20, 1996. NMED HRMB will compare LANL's proposed SOC with the SOC as set forth by the permit and consider other influencing factors to determine a suitable SOC.

NMED HRMB also understands that the current HSWA module SOC does not accurately reflect either LANL's or NMED's priorities and that a revised SOC is necessary to take into account flexibility in prioritization and budgeting activities.

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Should you or your staff have any questions concerning these comments, please contact either myself or Ms. Teri Davis at 505/827-1558.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

BJG:kth

cc: T. Davis, NMED HRMB
R. Dinwiddie, NMED HRMB
T. Glatzmaier, DDEES/ER, MS M992
D. Griswold, AL-ERD, MS A906
E. Kelley, Ph. D., NMED WWMD
M. Leavitt, NMED GWQB
D. McInroy, EM/ER, MS M992
D. Neleigh, EPA, 6PD-N
S. Pierce, NMED SWQB
L. Soholt, EM/ER, MS M992
J. Vozella, LAOO, MS A316
N. Weber, NMED AIP, MS J993
S. Yanicak, NMED AIP, MS J993
K. Zamora, LAAO, MS A316
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