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PETER MAGGIORE
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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

June 10, 1999

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

Dr. John Browne, Director
Los Alamos National Laboratory
P. O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

**RE: Approval with Additional Comments
1996 Installation Workplan Response to Comments
Los Alamos National Laboratory
NM0890010515**

Dear Mr. Taylor and Mr. Browne:

The Corrective Action Section of the New Mexico Environment Department's Hazardous and Radioactive Materials Bureau (HRMB) has reviewed and approves the 1996 Installation Workplan (LAUR-98-4101) and the Response to Comments (dated June 1, 1998 and referenced by EM/ER:98-139R).

Approval of these documents is contingent upon the following comments and recommended modifications:

Comment #5: HRMB does not feel that it is appropriate to alter definitions established in EPA guidance or State or Federal regulations. HRMB recommends that language be added to permits or in other facility-wide documents, such as the Installation Workplan (IWP), in order to enhance specific requirements. Consequently, HRMB requires that the definition of a *release* within the IWP and the operating permit be defined as presented in proposed Subpart S:

"any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other

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closed receptacles containing hazardous wastes or hazardous constituents).”

Comment #7: HRMB is of the understanding that LANL has redesignated “Administrative Procedure 4.5, Evaluation of Potential Surface Water Concerns at ER Sites.” Future IVPs should reflect this change.

Comment #22: HRMB is of the opinion that three distinct concepts, risk-based concentrations, standards and cleanup levels, are misunderstood and are, thereby, misrepresented within LANL’s response to HRMB’s comment. HRMB provides the following for clarification:

Risk-based concentrations are concentrations of contaminants in an environmental medium which have been demonstrated through the application of an approved risk assessment methodology that no adverse impact on human health and the environment is anticipated.

For the purposes of the IVP, *standards* refer to those numerical and narrative values or levels of contaminants established in both Federal and State regulations for the protection of human health and the environment. *Standards* may **NOT** be raised, lowered or otherwise modified based on site-specific conditions.

Cleanup levels are facility- or site-specific contaminant concentrations below which remediation is not required. Because *cleanup levels* are facility- or site-specific, they have no relevance to Region 9's Preliminary Remediation Goals. *Cleanup levels* must comply with State and Federal standards and are usually based on a facility- and/or site-specific risk-based concentrations. *Cleanup levels* may equal or exceed approved facility- and/or site-specific background concentrations; because remediation below background concentrations is generally not required, *cleanup levels* do not need to be established below background concentrations.

LANL’s proposed modifications to the first and third paragraphs of Section 3.3.3.2.2 are verbose and confusing and should be revised as follows:

“All media cleanup levels must be protective of human health and the environment and comply with State and Federal regulations.

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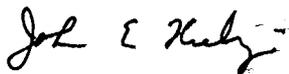
Media cleanup levels will be established based on facility- and site-specific background concentrations and conditions, existing State and Federal standards and risk-based concentrations derived from approved risk assessment methodologies.

“Site-specific conditions may result in a determination that concentrations of some contaminants must be lowered to protect sensitive human and/or ecological populations. Cleanup levels which are higher than risk-based concentrations may be allowed by the Administrative Authority if the risk-based concentrations are below the facility- or site-specific background concentrations or State and Federal standards.

“Concentrations of contaminants in ground water in excess of State standards may be allowed if a variance (or alternate concentration limit) has been granted under the New Mexico Water Quality Control Commission Regulations (Title 20 New Mexico Annotated Code). For example, such variance may be granted if the ground water use is not relevant to the design of the standard.”

Should you have any questions regarding this letter, please contact me at (505) 827-1558 x1012 or Ms. Kim Birdsall-Hill at (505) 827-1558 x1048.

Sincerely,



John E. Kieling, Supervisor
DOE Corrective Action Section
Hazardous and Radioactive Materials Bureau

JEK:kth

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cc w/ attachment:

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