



Receipt



JDC Consultants, Inc.

Deliveries: 24 Sol Grande Norte • Arroyo Seco, NM 87514
U.S. Mail: P.O. Box 1770 • El Prado, NM 87529
505-776-0805 • 505-776-0806 FAX • www.jdce.biz

22 September 2004

James P. Bearzi, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-2500

Via email and U. S. Mail

Ref: Comments on LANL Order on Consent

Dear Mr. Bearzi:

I am pleased to have the opportunity to provide the attached comments on the draft LANL Order on Consent dated 1 September 2004. I discussed the first two of these comments with you at the public meeting in Pojoaque on 8 September. They concerned: **i) the requirement for more community involvement in the Order including annual public meetings, and ii) the need for a commercially available GIS Database to allow NMED and the public to review only site information via the web.** I was pleased to hear that NMED would consider the comments for inclusion in the draft Order.

Your presentation at the public meeting was very helpful and the open and candid discussion that followed was beneficial to improve public confidence in this remediation process. My interest is to see that the process continues with improved public notice and opportunity for public input.

I look forward to the Department's response to my comments and those of NNM CAB. My participation as a member of the NNM CAB may allow me more access to the progress under the Order than the general public. I will be pleased to provide further comment and assistance to the Parties and the public during the implementation of this Order.

Very truly yours,

J. D. Campbell, Ph.D., P.E.
President

Attachment: Comments by J. D. Campbell on Draft LANL Order on Consent

Cc: Beverly Ramsey, RRES, LANL (with attachment)
Joe C. Vozella, DOE, LANL (with attachment)



Environmental and geotechnical engineering and expertise.

Comments on Draft NMED/LANL Order on Consent
Draft Dated 1 September 2004

By J. D. Campbell, NNM CAB Member
P. O. Box 1770
El Prado, NM 87529
Phone 505-776-0805
22 September 2004

The following first two comments were discussed with the NMED at the public meeting held Wednesday, 8 September 04. Additional comments are provided from my review of the draft Order on Consent:

- 1) This Order on Consent needs to provide for regular periodic updates to the community on the progress and status of the work under the Order. The Order provides for modifications to be made in the provisions or scope of work in the Order and the schedule for work to be completed. Annual public meetings should be presented by the parties and semi-annual meetings should be held with local public officials to inform them of the progress of the work under the Order.

A sample new paragraph for Section III.Z of the Order on Consent together with other suggested changes to the Order on Consent follow:

“III.Z COMMUNITY RELATIONS

The Parties agree to keep the local public informed of the progress and status of the work performed under this Order on Consent. Within 45 days of the Effective Date of this Order on Consent, the Respondents shall prepare a Community Relations Plan under this Order on Consent and submit it to the Department for approval. This Community Relations Plan may be consistent with the LANL ER Public Involvement Plan. Community Relations activities under this Plan shall include but are not limited to community notifications and updates regarding site activities, a public repository for reports and data produced under this Order on Consent, public comment opportunities, public meetings or hearings and meetings with local officials. The Community Relations Plan shall provide for periodic public meetings to be held by the Respondents with the participation of the Department at least annually following the Effective Date of this Order on Consent. The public meetings shall provide summary information on the progress of the work with special note of: i) any Modifications to the Order on Consent, ii) the implementation of any Interim Measures, iii) any planned Accelerated Cleanup activities, and iv) any Requests for Variance from Cleanup Goal or Cleanup Level. The public meetings shall also provide the current schedule for the work with special note of any Extensions

approved by the Department, and the status and/or resolution of any Disputes arising under this Order on Consent.”

“VII.E.4 Community Relations Plan

(THIS EXISTING SECTION VII.E.4 SHOULD BE MODIFIED TO REFERENCE AND TO BE CONSISTENT WITH THE NEW SECTION III.Z ABOVE.)”

“VII.F.5 Community Relations Plan

(A NEW SECTION VII.F.4 SHOULD BE DEVELOPED TO ALLOW PUBLIC NOTICE AND INPUT REGARDING PROPOSED ACCELERATED CLEANUP ACTIVITIES AT THE FACILITY. THESE ACCELERATED CLEANUP ACTIVITIES MAY BE PERMANENT AND BE IN LIEU OF THE CORRECTIVE MEASURES REQUIRED UNDER THIS ORDER ON CONSENT. SECTION VII.F.4 SHOULD REFERENCE AND BE CONSISTENT WITH NEW SECTION III.Z ABOVE.)”

- 2) Section XI, Reporting Requirements, of this Order on Consent needs to provide for a Geographic Information System (GIS) Database to maintain the data produced by the investigation, monitoring and remediation activities performed at the facility. A GIS Database contains not only the data produced but also the spatial component for the data using a standardized coordinate system. The data within the database may then be searched and compiled or mapped for interpretation by the Respondents, the Department and/or the public. Commercially available systems such as Arc Info/Arc View should be used to allow the Department and the public to have access to the data. Provisions should be made for the Department and the public to review the data through direct web access and/or a web FTP site to download the data for review.

A sample paragraph for Section XI of the Order on Consent follows:

“XI.G GEOGRAPHIC INFORMATION SYSTEM DATABASE

The Respondents shall develop and maintain a Geographic Information System (GIS) Database which shall include all existing and available environmental data from prior investigation, monitoring and remediation activities at the facility together with all data from the investigation, monitoring and remediation activities performed under this Order on Consent. The spatial components of the database shall use the standard state coordinate system specified by the Department. The GIS Database shall be based on

commercially available software such as Arc Info/Arc View that is compatible with and acceptable to the Department. The GIS Database shall be designed and maintained to provide access to the Department and to the public for review of all of the data through direct web access and/or access through a web FTP site for download of the data. The GIS Database shall be operational and the data shall be available for review by the Department and the public within 12 months following the Effective Date of this Order on Consent. The Respondents shall maintain the GIS Database and make it available to the Department and to the public for the period of this Order on Consent and for so long thereafter as may be required by the Department.”

- 3) Section VII.E.4, Community Relations Plan, needs to be modified to reference and to be consistent with the proposed new Section III.Z described above. See my comment number 1.

- 4) A new Section VII.F.5, Community Relations Plan, needs to be developed to allow public notice and public comments on any proposed Accelerated Cleanup activities at the Facility provided for under Section VII.F, ACCELERATED CLEANUP PROCESS. Currently the Department can approve alternative Accelerated Cleanup activities at the facility without any public notice or public input. These Accelerated Cleanup activities may be permanent and in lieu of remediation that would otherwise be performed under Section VII.E, CORRECTIVE MEASURES IMPLEMENTATION, where public notice and comment is required. See my comment number 1 above.

- 5) Section VIII.E, Requests for Variance from Cleanup Goal or Cleanup Level, provides the Respondents with an opportunity to obtain a variance from the established requirements in the Order on Consent with the approval of the Department. In this process, there is no provision for public notice or public comment on the proposed variance from the established Cleanup Goal or Cleanup Level. However, the public should be informed and be allowed to comment on the variance when the Corrective Measure incorporating the variance is approved by the Department and put out for the public comment period. I suggest that special note be made of any proposed Variances from the Cleanup Goal or Cleanup Level be made at each public meeting which is to be held at least on an annual basis. See my comment number 1 above.