



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
 ALBUQUERQUE AREA OFFICE
 P.O. BOX 26567
 ALBUQUERQUE, NEW MEXICO 87125-6567

RECEIVED
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 EPA REGION 6
 HAZARDOUS WASTE
 COMPLIANCE

IN REPLY REFER TO:

340 - Branch of Regional
 Water Rights Protection

AUG 24 1989

0277
 Permit

Mr. Bill Honker
 RCRA Permitting Branch, MC6HP
 Environmental Protection Agency, 12th Floor
 1445 Ross Avenue
 Dallas, Texas 75202-2733

Dear Mr. Honker:

On behalf of the Pueblo of San Ildefonso (the Pueblo), comments on the Proposed Environmental Protection Agency (EPA) Resource Conservation and Recovery Act operating permit for Los Alamos National Laboratory are enclosed. The Bureau of Indian Affairs (BIA) feels that more coordination among the Los Alamos National Laboratory, the EPA, the Pueblo, and the BIA is necessary in view of the operating Memorandum of Understanding among the Pueblo, the Department of Energy and the BIA for sampling of water, food, soil and sediment on Pueblo lands.

If you have questions or comments, please contact Jane Marshall, Hydrologist, Branch of Regional Water Rights Protection, at FTS 474-3167 or 505-766-3167 or Marcus Sekayouma, Environmental Protection Specialist, Branch of Environmental Quality, at FTS 474-3341 or 505-766-3341.

Sincerely,

Acting Area Director

Enclosure



COMMENTS BY THE BUREAU OF INDIAN AFFAIRS (BIA) REGARDING THE PROPOSED ENVIRONMENTAL PROTECTION AGENCY RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) OPERATING PERMIT FOR LOS ALAMOS NATIONAL LABORATORY (LANL)

GENERAL COMMENTS

1. BIA has some concern about the extensive time periods covered by the permit. In terms of Pueblo activities, this time span covers several different changes in Pueblo governments, and a large resource of time commitments will be needed by each administration to assess the impact of the RCRA sites on the Pueblo lands. For this reason, BIA and the Pueblo should be continuously updated on the permit activities, be copied all monthly, quarterly or annual reports regarding activities, and be given an annual review (in meeting form) of all progress and operations which could cause impact to Pueblo resources.

2. Notification of the Pueblo and BIA Branch of Environmental Services should be a part of the permit in case of releases or actions related to this permit.

3. The RCRA permit does not address the impact or penalty for non-compliance with the various sections of the permit. For assurance to the Pueblo, those enforcement measures should be spelled out in the permit.

SPECIFIC COMMENTS

Page 2, Section B, subsection 1(b) discusses methods of treatment, storage, or disposal of hazardous wastes or hazardous constituents. BIA recognizes that many of the materials handled by LANL are very toxic and recommends that specific treatment technology beyond existing standards be used to ensure minimization of threat to human health and the environment. Double containment of storage tanks is one such method which could minimize hazardous waste contamination by preventing leaks into the environment.

Page 2, Section B, subsection 4, discusses 15 days as a notification period after discovery of release of a hazardous waste or constituent. The Pueblo and BIA should be notified immediately in the case of airborne releases and notified within 24 hours of liquid or solid waste releases which could impact Pueblo lands. Notification should include steps taken by LANL to remedy the problem. A representative of San Ildefonso may be determined as the contact person regarding such releases, and that person could begin to take appropriate action as necessary.

Page 5, Section B, Special Permit Conditions, discusses the placement of perched-zone monitoring wells in the canyons above the Pueblo. When available, a map locating these wells would assist BIA and Pueblo personnel with locating these wells in relation to the wells currently monitored by LANL and BIA On the Pueblo lands.

Page 7, Monitoring of Surface and Ground Water, discusses the monitoring currently conducted and reported on in the LANL annual Environmental Surveillance Report. The permit monitoring is site specific and seems to be more comprehensive. Therefore, we recommend that reporting be at least quarterly for the results of permit monitoring and that the Pueblo and BIA both be copied with the reports.

Page 9, Section d., Corrective Action for Continuing Releases, discusses proposal of a permit modification if corrective measures are needed. We request that the Pueblo and BIA be mailed any notice of a comment period or hearing.

Page 12, Section G., Notification Requirements for Newly Discovered Releases, discusses a notification period of time which is too long and does not mention notification of what steps are being taken to remedy the problem.

Page 13, Section H, RCRA Facility Investigation (RFI), discusses time requirements for preliminary reporting at 180 days. The Task/Site (RFI) workplans will not be 100% complete for eight years. In view of the seriousness of the nature and extent of the problem, and the previously completed studies by LANL, the identification of the work plan phase should be shortened.

Page 33, Task I, Preliminary Report, discusses the nature of the preliminary report providing background information pertinent to the facility. BIA and the Pueblo should be given a copy of this report upon completion.

Page 37 and 38, Section C., Health and Safety Plans, discusses health and safety measures for the RFI. Is this plan any different than health and safety plans which should already be in place at LANL?

Page 38, Community Relations Plan, does not give specific information about the plan. Is it possible for the public and Pueblo to be informed via short reports that are in lay terms? Is the concept of a public information center at the LANL library, a part of the Community Relations Plan?

Page 40, Section A., Environmental Setting - Hydrogeology, discusses methods of describing the hydrogeology of the area. If any surface geophysics or infrared photography is available, this information should be included.

Pages 42 and 43, Section C., Contamination Characteristics, discusses the determination of contaminant movement at a solid waste management unit (SWMU) but does not provide a means of controlling movement of the plume of contaminant or cleaning up the contaminant.

Page 46, Section C, Draft and Final, and Page 58, Task IX Reports, discuss preparation of specific reports. The final RFI Report (p. 46) and the progress reports (p. 58) should be provided to the BIA and the Pueblo.