

TA-73 '05

chamberlain, kathryn, NMENV

From: chamberlain, kathryn, NMENV
Sent: Monday, December 05, 2005 4:41 PM
To: 'Enz, Robert D.'
Cc: Darlene; Gregory; James
Subject: RE: Ash Pile approach

Bob,

In accordance with the Work Plan, the two NODs, and the Approval, the Permittees must assume that all cans are contaminated because there is no reasonable way to prove otherwise. The cans must be disposed of as low-level waste, consistent with the disposal requirements for the ash. All other debris (*i.e.*, mattress, wood crates, rebar, etc.) not suspected of or in direct contact with the ash can be disposed of at a municipal landfill. This is not negotiable. Although this requirement is not a deviation from the work plan, per the Permittees' request, this email will serve as the formal correspondence explaining the disposal requirements.

If you have additional questions or concerns regarding this matter, please contact James Bearzi at 428-2512.

Katie

Kathryn Chamberlain
 Environmental Specialist
 New Mexico Environment Department
 Hazardous Waste Bureau
 2905 Rodeo Park Drive East
 Building 1
 Santa Fe, NM 87505
 505-428-2546 (business)
 505-428-2567 (fax)
kathryn.chamberlain@state.nm.us

From: Enz, Robert D. [mailto:REnz@doeal.gov]
Sent: Monday, December 05, 2005 2:55 PM
To: chamberlain, kathryn, NMENV
Cc: Gregory, David R.
Subject: RE: Ash Pile approach

Katie,

I have reviewed the analytical data from all vintages. The LANL samples located in the tin cans (Figure 4 of the work plan) were samples that LANL took of the soil beneath the cans. No samples were taken strictly of tin cans. Some of the samples that ITSI took in the ash pile contained tin can rubble, but none contained only tin cans.

I do not know if the tin cans were processed through the incinerator. My comment about tin cans being processed through the incinerator was strictly a personal conclusion that tin cans in the ash pile most likely were processed through the incinerator when Zia used the incinerator to burn municipal waste. Likewise, it is my personal conclusion that tin cans outside the ash pile were not processed through the incinerator. Again, these are my personal conclusions.

Per the work plan, I recommend continuation of the process whereby debris in contact with or otherwise directly associated with the ash pile be handled with the ash and packaged for transport and disposal at an approved low-level radioactive waste disposal facility. Any debris not associated with or in contact with the ash pile should be handled as industrial waste.

12/5/2005



4946

TA-73 105

chamberlain, kathryn, NMENV

From: Enz, Robert D. [REnz@doeal.gov]
Sent: Monday, December 05, 2005 2:55 PM
To: chamberlain, kathryn, NMENV
Cc: Gregory, David R.
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I have discussed resumption of activities with ITSI, this morning. Presently, it is our plan to resume operations the week of December 12. The week will be spent collecting debris not associated with the ash pile and trying out a more powerful vacuum system. The previous system was not powerful enough to lift the ash material up to the top of the mesa for collection in supersacks.

-----Original Message-----

From: chamberlain, kathryn, NMENV [mailto:kathryn.chamberlain@state.nm.us]
Sent: Monday, December 05, 2005 9:35 AM
To: Enz, Robert D.
Cc: Darlene; Gregory, David R.; James; Dave
Subject: RE: Ash Pile approach

Bob,

In your Response to NOD, dated September 23, 2005, NMED Comment 2, specific comment (3) specified that "[t]his section has been rewritten to clarify that any debris (PPE, cans, vegetation, etc.) verified as or suspected of being in contact with the ash will be disposed of as low-level waste, consistent with the disposal requirements for the ash, and will not go to a municipal landfill." In your email dated December 2, 2005, you explained that the tin cans most likely have been through the incinerator, therefore assuming the tin cans have been in contact with the ash. Consistent with the work plan approval, all cans must be treated as hazardous waste/low-level waste, consistent with the disposal requirements for the ash, and cannot be disposed of at a municipal landfill. This was also previously agreed upon in several conversations between NMED and the Permittees. However, it is reasonable to assume that all other debris, (*i.e.*, mattresses, wood crates, auto parts, rebar, etc.), visually observed not to be in contact with the ash, may be shipped and disposed of at a municipal landfill.

Please let me know if you have any additional questions or concerns.

Katie

Kathryn Chamberlain
 Environmental Specialist
 New Mexico Environment Department

12/5/2005

TA-73 105

chamberlain, kathryn, NMENV

From: chamberlain, kathryn, NMENV
Sent: Monday, December 05, 2005 9:35 AM
To: 'Enz, Robert D.'
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Please let me know if you have any additional questions or concerns.

Katie

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 505-428-2567 (fax)
kathryn.chamberlain@state.nm.us

From: Enz, Robert D. [<mailto:REnz@doeal.gov>]
Sent: Monday, December 05, 2005 8:53 AM
To: chamberlain, kathryn, NMENV
Subject: RE: Ash Pile approach

Katie,

With reference to debris and ash, page 24 of the work plan states our procedures. Under Section 5.1.11.1 Debris Removal, "All debris not associated with the ash, such as plant material, trash, cans, and miscellaneous municipal debris, will be picked up, bagged, and disposed of as municipal/industrial waste at an approved industrial waste disposal facility. Debris in contact with or otherwise directly associated with the ash pile (PPE, cans, vegetation, etc.) will be handled with the ash and packaged for transport to an approved low-level radioactive waste disposal facility."

-----Original Message-----

From: chamberlain, kathryn, NMENV [<mailto:kathryn.chamberlain@state.nm.us>]
Sent: Friday, December 02, 2005 3:45 PM

12/5/2005

chamberlain, kathryn, NMENV

From: Enz, Robert D. [REnz@doeal.gov]
Sent: Monday, December 05, 2005 8:53 AM
To: chamberlain, kathryn, NMENV
Subject: RE: Ash Pile approach

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From: chamberlain, kathryn, NMENV [mailto:kathryn.chamberlain@state.nm.us]
Sent: Friday, December 02, 2005 3:45 PM
To: Enz, Robert D.
Cc: Dave; Gregory, David R.; James
Subject: RE: Ash Pile approach

Bob,

After pondering your email further; based on your response, it's impossible for NMED to ascertain what particular instruments you used to screen the debris and what exactly you were screening for. Therefore, NMED requires further verification that these materials do not contain either hazardous constituents or radionuclide contamination at concentrations that exceed applicable regulatory levels. In addition, listed waste must not be disposed of at a municipal landfill. Absent such verification, this waste must not be disposed at the landfill referenced in your email below. NMED has clearly stated in both NODs that the Permittees have no reasonable way to demonstrate that all contaminants have been successfully removed from debris encountered at the site. Furthermore, the Permittees have not explained how they will distinguish if debris has been in contact with the ash. NMED is concerned that the Permittees might have to retrieve ash pile materials recently disposed at an inappropriate landfill. I will be leaving the office, but you can contact me next week.

Katie

Kathryn Chamberlain
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From: Enz, Robert D. [mailto:REnz@doeal.gov]
Sent: Friday, December 02, 2005 8:32 AM
To: chamberlain, kathryn, NMENV
Subject: RE: Ash Pile approach

12/5/2005