

PNM PS  
~~11/4/92~~  
red 92

INTER-OFFICE MEMORANDUM

TO: File

FROM: Teri Davis, Technical Program

THROUGH: Ed Horst, Program Manager  
Steve Alexander, Technical Supervisor

DATE: November 4, 1992

SUBJECT: Settlement Agreement Proposal For PNM-Person Station RCRA Site From Ground Water Protection & Remediation Bureau (GWPRB)

A meeting was held between the Hazardous and Radioactive Materials Bureau (HRMB), (Ed Horst - program Manager, Steve Alexander - Technical Supervisor, Teri Davis - Technical Section and Danny Katzman - Technical Section) and GWPRB (Dennis McQuillan - Geologist 3) on 11/4/92 to discuss the possibility of a joint-bureau site characterization-remediation directive (settlement agreement) for PNM-Person Station RCRA site. A settlement agreement between GWPRB and PNM is currently being used as a corrective action directive at the Baca Site, Santa Fe. Dennis proposed that the same settlement agreement could be easily modified for implementation at Person Station.

It was the opinion of GWPRB that HRMB has not adequately constructed an interim remedial action plan and that site characterization has not been performed in a timely manner. Interim measures proposed by Dennis McQuillan included plume containment and vapor extraction of source area. Other concerns included: 1) public perception that Person Station has not been treated as a potentially serious threat to Albuquerque drinking water 2) PNM was "let off the hook" in the past and an accelerated remediation is necessary, and 3) there is no assurance of achieving an adequate remediation of ground water to Drinking Water standards. HRMB's equivalent to the settlement agreement is the January 1992 Corrective Action Directive (CAD) which in PNM's case addresses only groundwater assessment and remediation thereof. It is my opinion that concerns expressed by GWPRB are addressed in the CAD.

Implementing a settlement agreement as a corrective action directive could be advantageous for the following reasons: 1) interim remedial action for vadose zone or source remediation. A review of the soil contamination investigation data indicates that contamination does in fact exist within the vadose zone and a vapor extraction system could be installed as an interim remedial action. 2) additional staff to oversee the progress of the site 3) a commitment of responsibility in the event of bankruptcy by the responsible party (PNM) 4) payment to NMED for oversight expenditures by PNM.

The disadvantages of invoking a settlement agreement include: 1) conflicts in remediation approach by bureaus, for example; interim remedial action for ground water or containment should not be implemented prior to a more conclusive understanding of the plume delineation. Dennis seemed to want to proceed with some form of ground water remediation or containment before assessment is complete. This approach could cause more damage if the "system" is not understood. 2) transition between the current CAD and the proposed settlement agreement could delay remediation.

Considerable progress has been made recently in the assessment of the Person Station plume. It is my recommendation that a coordinated effort between bureaus be initiated and that assessment continue to follow the course set by the most recent CAD extension approval (October 15, 1992). Some revised form of a settlement agreement could greatly aid the progress of technical and regulatory guidance necessary for this RCRA unit.