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May 31, 2016

Subject: Draft LANL Consent Order

Dear Ms. Roberts,

Please find attached CH2M's comments on the draft Compliance Order on Consent (Draft Consent Order) for Los Alamos National Laboratory (LANL), drafted in response to the public notice from the New Mexico Environment Department (NMED) issued on March 30, 2016.

We appreciate the opportunity to provide input. Please do not hesitate to contact me if any further clarification is required.

Regards,

A handwritten signature in black ink, appearing to read 'Shannon Farrell'. The signature is fluid and cursive.

Shannon Farrell
Environment and Nuclear Business Group
CH2M

CH2M Comments on LANL Compliance Order on Consent dated March 30, 2016

Section	Comment
<p>Part V, Paragraph B, page 22 Part III, Paragraph K, page 7 “Upon selection of a contractor, this Consent Order shall be modified to include the contractor as a signatory.”</p>	<p>Please provide additional clarification on the difference between a signatory and a Party in participation, including the ability to request and participate in DAM meetings and coordinating implementation of the consent order.</p>
<p>Part III, Paragraph F, page 7</p>	<p>Use of the lists in C.F.R. Part 261, Appendix VII and 40 C.F.R. Part 264, Appendix IX in developing sampling strategies can drive costs by forcing analyses of constituents not expected on sites. A recommendation would be to use a DQO process to guide potential COC identification.</p>
<p>Part VII, Paragraph C.2, C.3.b, C.3.c, C.4, pages 28-30</p>	<p>Please provide clarification on the path forward if the DAM meetings does not result in agreement.</p>
<p>Part IX, Paragraph G, page 32</p>	<p>Application of drinking water standards at the aquifer may not be realistic, especially if land use parameters would result in lower than a residential exposure with a drinking water rate commensurate with residential intake. Recommend use of a realistic risk-based exposure model and associated cleanup level.</p>
<p>Part XV, Paragraph B, pages 41-2</p>	<p>Please provide clarification on how the costs associated with interim/emergency actions would impact the overall campaign schedule. For example, if a series of interim actions would both reduce risk and save overall cost, would NMED allow flexibility in the deliverable and milestone schedule to allow this more prudent approach?</p>
<p>Part XVI, Paragraph A, page 43 Part XVI, Paragraph D.3, page 45</p>	<p>Recommend development of criteria in DQO that establishes the need for a CME and uses the collaborative meeting approach to make a joint determination as a first course, in order to take into account the responsibility for balancing the radiological risk and cleanup along with the chemical corrective action.</p> <p>For example, Paragraph D.3 shows where additional consideration should be given to the risks to workers associated with the radionuclides. An approach for the chemical contaminants may not pose significant risk to workers, but radionuclides may change the short-term risk condition. The balancing of these risks should be accounted for in the decision process.</p>
<p>Part XVII, Paragraph A, page 46 “consistent with the regulations at 20.4.1.900 NMAC (incorporating . . . “</p>	<p>A more collaborative decision process would result in an optimized corrective action process, allowing for use of the industry expertise employed by the DOE to provide additional resources and scientifically based corrective action response to potential public input.</p>
<p>Part XXIII, Paragraph D, page 54</p>	<p>The schedules in Appendix D seem excessive given the described pre-submission approach in this paragraph. For example, the review/revision process for CME is 430 days, well over a year without a request for extension. We would recommend a shorter schedule for both review and revision to</p>

	support better planning, allowing the parties to evaluate specific documents on an as-needed basis for longer review/revise cycles.
Appendices B and C	An additional schedule for estimated completion dates would assist in resolve some apparent discrepancies between the Appendices, for example: <ul style="list-style-type: none"> • In Appendix B, MDA A and T Remedy, the target dates extends to FY2019 and in Appendix C, it indicates that this is approximately a 5 year campaign (which is outside the FY2019 range). • Some milestones and targets appear to start and reach completion in FY2019, however Appendix C indicates a 2.5 year campaign (for example, Southern External Boundary).
Appendix B, Milestones and Targets	Please clarify whether the milestone dates are for the initial version under NMED formal review or if this date includes the review/revision process.
Appendix E, Paragraph I	Suggest the following revision: “The purpose of this Appendix (D E) is to . . . “
Appendix E	Recommend issuing this appendix as a guidance document not appended to the consent order.
Appendix F	Recommend issuing this appendix as a guidance document not appended to the consent order. Using the appendix as a guidance rather than a requirement introduces the benefit of using industry expertise in determining the strategies and approaches for data collection, analyses, and evaluation in accordance with the collaborative DQO process.