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To: [Roberts, Kathryn, NMENV](#)
Subject: Comments on March 30, 2016 draft LANL Consent Order
Date: Thursday, May 19, 2016 9:20:26 AM

Hi Katie:

I want to start by commending you for all of your hard work on the draft LANL Consent Order. NMED is lucky to have you working on this. My general and specific comments are outlined below:

GENERAL

- Strongly support emphasis on results-based corrective action.
- Strongly support risk-based prioritization approach. This should help eliminate cherry-picking the easy sites to show "progress". I hope that during the transition to the new contract that the institutional memory of folks that really know the sites (e.g. Joe, Paula and Rich) is used to assess which sites pose the most immediate potential risks either because of existing data or the lack of it.
- I support not having an end date for the CO. The dates in the 2005 didn't seem to help that much in terms of getting funding and I think support from the Codels, Governor, Pueblos, local units of government and activists help drive funding more than dates in a CO. As you know environmental work is phased and data-driven and arbitrary deadlines can create public perception that the work being done and/or the corrective action process are flawed. The schedules in the work plans and CMI's give NMED significant enforcement authority.
- Strongly support annual work plan approach. It is more transparent and is consistent with the rest of the DOE complex.
- I do not support adding the contractor as a party. DOE owns the environmental issues at LANL. If the contractor is a party it allows finger pointing instead of having the responsibility rest with the "owner". The contractor will have financial incentives to meet campaign deadlines and it could result in something like the drum incident happening again. I think having DOE as the sole respondent would provide a "check" for the campaign approach. In addition, DOE would have more incentive to go after the contractor's liability coverage.
- Strongly support removing prescriptive document format requirements and placing example document templates in an appendix. This will help keep the focus on action not process for processes sake. If there is time before the CO is finalized I suggest looking for EPA examples instead of using the old CO language as example templates.
- Thank you for adding a great new acronym! DAM and SOB in one document :-)

SPECIFIC

- VII.G - Strongly support the clarification that 20.4.1.900 NMAC does not apply to a compliance order.
- VII.I - Strongly support eliminating dual regulation for SWMUs and AOCs that are in the IP (IX.H too).
- XIII.A - Strongly support using EPA's results based guidance and adding DQO's as a requirement.
- XIII.I - Strongly support language about NMED's RFI approval addressing corrective action complete when appropriate.
- XIX.A - Strongly support adding sites with contaminated groundwater and cleanups longer than 180 days to accelerated corrective action.
- XIX.E - Strongly support the use of presumptive remedies, where appropriate.

- XXI.G - Strongly support the proposed approach for addressing non-site related contaminants.
- XXIII.D - Strongly support review schedules for NMED.
- XXIII.F.2 - Strongly support proposed language about approvals with modifications.
- XXII.F.3 - Strongly support proposed language about limiting disapprovals to the document at hand.
- XXIII.G - Strongly support proposed language regarding the resolution of disapprovals. I think this will help keep work moving.
- XXIII.I - Strongly support proposed language regarding NMED comments that affect future submissions. As you know trying to track these was an nightmare for both LANL and NMED. In addition this language would stop the type of comments that merely reflected a staff persons personal views (i.e.: not intended to improve quality or efficiency).
- XXV - Support new dispute resolution language and strongly support keeping dispute resolution in the CO.

Can you tell I have read this thing a couple of times?

Have a great weekend.

Kate

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