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October 17, 2006

Mr. Mark Purcell
Remedial Project Manager
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200 (6SF-LP)
Dallas, Texas 75202-2733

**Re: NMED Comments on "List of Preliminary Assembled Remedial Alternatives, Site-Wide Supplemental Feasibility Study, UNC Mill Tailings Site, Church Rock, N. M." (N.A. Water Systems, September 25, 2006)
EPA ID NMD030443303**

Dear Mark:

Thank you for providing the New Mexico Environment Department (NMED) with the opportunity to comment on United Nuclear Corporation's (UNC) List of Preliminary Assembled Remedial Alternatives, Site-Wide Supplemental Feasibility Study (SWSFS) which was submitted by N.A. Water Systems LLC on behalf of UNC. NMED offers the following comments:

General Comments

1. By the title of the subject document under review herein, NMED believes that the goal should be to list and preliminarily comment upon all conceivable remedial alternatives for the Site. Under the guidance that was cited in the subject document (*i.e.*, U.S. Environmental Protection Agency, October 1988. "Guidance for conducting remedial investigations and feasibility studies under CERCLA," EPA/540/G-89/004 [OSWER Directive 9355.3-01], p. 4-3); the document should have developed general response actions (GRAs) defining containment;

treatment, excavation, pumping, or other actions, singly or in combination, that may be taken to satisfy the remedial action objectives for the site.” Therefore NMED believes that a clear statement of remedial action objectives for the Site should be followed by a comprehensive listing of all possible remedial alternatives, singly or in combination, which could be considered to achieve those objectives. NMED does not believe that the letter format of the subject report provides the forum for rigorous evaluation and screening-out of certain alternatives. Most especially pertinent to this comment, NMED does not believe that any possible remedial alternatives should be screened-out from further consideration at this point due to cost considerations, as several were. NMED appreciates evaluative comments that are provided for various remedies considered in this document, but does not consider any of these to provide the necessary level of comprehensiveness to allow for screening-out of any alternatives herein.

2. Passive reactive barriers apparently were not evaluated for any of the aquifers. NMED suggests evaluating this alternative.
3. UNC has included Technical Impracticability (TI) waiver and/or Alternate Concentration Limits (ACLs) as a component of at least one alternative remedy for each aquifer impacted by the Site. However with reference to the EPA guidance for feasibility studies (U. S. EPA, 10/1988), discussion of such issues would follow only upon rigorous analysis of the possible effectiveness of remedial alternatives relative to specific site Applicable or Relevant and Appropriate Requirements (ARARs; see section 1.3.1.1 of the cited document for an overview). Although NMED acknowledges that remedial activities have been performed at the Site for a considerable length of time, UNC should conduct this feasibility study without an initial bias towards a failure to meet ARARs that is implied by the inclusion of these actions in the initial listing of remedial alternatives.

Specific Comments

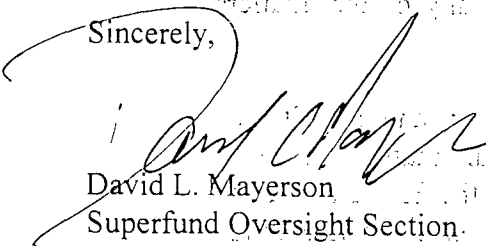
4. Page 7, paragraph 6: The document states that “Government parties have agreed that there is no Zone 3 point-of-exposure (POE) in Section 1 (NRC, September 16, 1999).” NMED does not support the NRC concept of point-of-exposure for the protection of the State’s ground water resources. The New Mexico Water Quality Control Commission regulations and NMED policy require ground water to meet established standards throughout the aquifer, including beneath the contaminant source area(s), not only at designated locations such as POE wells.
5. Table 2. Southwest Alluvium Alternatives: This table lists alternatives which are retained after the initial screening process. Although, as previously stated, NMED

does not agree with screening-out of alternatives at this stage, the following alternatives certainly should be retained in this table from Figure 1:

- a. Barriers – physical barriers were screened out from Figure 1 based on the fact that pumping to avoid spillover is required. NMED suggests the physical barrier with pumping alternative be retained. At this screening stage, cost should not be a factor to reject potential remedial options.
- b. Hydraulic Flushing – this alternative was not screened out from Figure 1, yet was not retained as an alternative; please add it to Table 2.

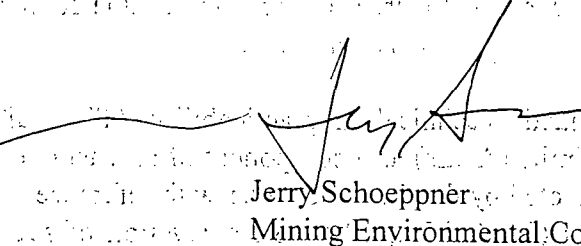
Please let NMED know if you have any questions on these comments or any other issues concerning the UNC Church Rock Site. We can be reached by telephone at (505) 476-3777 (David L. Mayerson) or (505) 827-0652 (Jerry Schoeppner).

Sincerely,



David L. Mayerson

Superfund Oversight Section



Jerry Schoeppner

Mining Environmental Compliance Section

Copies:

- Dana Bahar, Program Manager, Superfund Oversight Section, GWQB, NMED
- Diane Malone, Navajo Nation EPA Superfund Program
- Paul Michalak, Project Manager, United States Nuclear Regulatory Commission
- William C. Olson, Bureau Chief, GWQB, NMED

Files:

- NMED/GWQB/SOS 2006 read file
- NMED/GWQB/SOS UNC Supplement Feasibility Study
- NMED/GWQB/SOS UNC 2006 correspondence