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Governor
JOHN SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

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DAVE MARTIN
Cabinet Secretary
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Deputy Secretary

January 20, 2012

Ms. Candace Head-Dylla, President
Bluewater Valley Downstream Alliance
#6 Ridgerunner Road
Grants, NM 87020

Subject: Response to Community Requests and Concerns in a Letter dated December 23, 2011 Regarding the Homestake Mining Company (HMC) Superfund Site (EPA ID: NMD007860935) in Milan, New Mexico

Dear Ms. Head-Dylla:

The New Mexico Environment Department (NMED) has received your letter dated December 23, 2011 expressing the Bluewater Valley Downstream Alliance's (BVDA) requests with emphasis on: 1) the removal of the uranium mill tailings from the Homestake/Barrick Gold Superfund site as well as the Red Water Pond Road and other Navajo communities; and 2) a meeting with the agencies and representatives addressed in your letter.

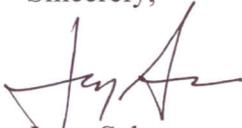
The issues you identified in your letter have been raised over the last several years and have been discussed in several meetings with NMED as well as representatives from the Environmental Protection Agency and the Nuclear Regulatory Commission. Minutes (enclosed) from the most recent meeting between BVDA and the agencies which was held on July 11, 2011 summarize the agency's response to these issues.

NMED staff are available to participate in a meeting to further discuss the identified issues as well as the regulatory framework that governs response actions.

Ms. Candace Head-Dylla, President
Bluewater Valley Downstream Alliance
January 20, 2012
Page 2 of 2

Please contact Dana Bahar, NMED Superfund Oversight Section Manager, at (505) 827-2908 or me at (505) 827-2919 to coordinate the meeting or to discuss this further.

Sincerely,



Jerry Schoeppner
Acting Bureau Chief
Ground Water Quality Bureau

Enclosure: July 11, 2011 Meeting Minutes

cc: Sairam Appajai, U.S. EPA Region 6, Remedial Project Manager
✓ John Buckley, U.S. Nuclear Regulatory Commission, Senior Project Manager
Dana Bahar, NMED-GWQB, Manager Superfund Oversight Section
Angelo Ortelli, Project Manager, Superfund Oversight Section

cc (w/o enc): NMED-SOS Read File



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DAVE MARTIN
Cabinet Secretary
BUTCH TONGATE
Acting Deputy Secretary

September 15, 2011

Ms. Candace Head-Dylla, President
Bluewater Valley Downstream Alliance
#6 Ridgerunner Road
Grants, NM 87020

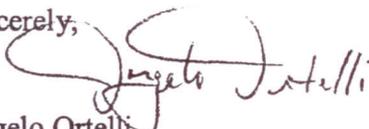
Subject: Summary of the July 11, 2011 Community Meeting Regarding the Homestake Mining Company Superfund Site (EPA ID: NMD007860935) in Milan, New Mexico

Dear Ms. Head-Dylla:

Enclosed please find a list of meeting attendees and a summary of the topics discussed during the July 11, 2011 meeting regarding the Homestake Mining Company (HMC) Superfund Site. The meeting was held at the New Mexico Department of Transportation Office in Milan, New Mexico and was attended by representatives of New Mexico Environment Department (NMED), the U.S. Environmental Protection Agency (EPA) Region 6, Bluewater Valley Downstream Alliance (BVDA), and other members of the community. In addition, representatives from the Nuclear Regulatory Commission (NRC) participated in the meeting via conference telephone.

Please feel free to contact me at (505) 827-2866, or Dana Bahar, NMED Superfund Oversight Section Manager, at (505) 827-2908, if you have any questions.

Sincerely,


Angelo Ortelli
Geoscientist/Project Manager
Superfund Oversight Section

Enclosures: Meeting Attendance List
Meeting Summary

cc: Sairam Appajai, U.S. EPA Region 6, Remedial Project Manager
John Buckley, U.S. Nuclear Regulatory Commission, Senior Project Manager
Jerry Schoeppner, NMED-GWQB, Acting Bureau Chief
Dana Bahar, NMED-GWQB, Manager Superfund Oversight Section

cc (w/o enc): NMED-SOS Read File

Summary of HMC Meeting with BVDA 7/11/11

See sign-in sheet for list of attendees

Discussion Topics:

BVDA opened up the discussion by stating their two priorities associated with the site:

1. Restoring ground water to pre-milling conditions
2. Removing/relocating the tailings piles

Other issues that were discussed include radon in homes, HMC activities related to the RSE, POC wells under the NRC license, gross beta in the municipal supply, temporary permission to irrigation using contaminated water, and the alluvial background concentrations.

Discussion:

Restoring ground water to pre-milling conditions

The goal of the agencies is also to return ground water to pre-milling conditions. However, the agencies can only require HMC to address contamination associated with its operation. The 5-Year Plan will attempt to identify upgradient source(s) of contamination and associated Responsible Parties to address this component. Finally, pre-milling conditions will need to be achieved in accordance with the established remedial objectives and goals. **No Action Required.**

Removing/relocating the tailings piles

BVDA does not believe that the RSE team adequately evaluated the feasibility of removing and relocating the tailing piles via pipeline slurry and requested a more thorough evaluation. BVDA clarified that this evaluation should include removal of the tailings piles along with the underlying unconsolidated material down to the alluvial aquifer. BVDA realizes that removing the tailings piles and underlying material does not address existing ground water contamination, so they would want HMC to significantly increase their RO capacity to more aggressively treat contaminated ground water for re-injection to the alluvial aquifer. EPA and NMED agreed to evaluate the possibility of conducting a screening level evaluation including removal of the tailing piles per the Feasibility Study guidelines.

Potential exposure to onsite contamination has been minimized through the stabilization of the tailings piles, surface reclamation, and decommissioning of the former mill. Radon barrier and erosion protection covers were constructed on the sides of the large tailings pile, and an interim soil cover was constructed on its top and on the small tailings pile. Ground water contamination is controlled through the use of a ground water collection and injection system and implementation of institutional controls to eliminate the primary exposure pathway of ingestion. **No Action Required – The agencies agree with the RSE recommendation not to remove/relocate the tailings piles. The community's concerns regarding this issue are acknowledged and understood; however, as long as the current remedy meets the established remedial objectives and goals,**

and continues to be protective of human health and the environment, the relocation/removal of the tailings piles is not warranted.

Radon in Homes

BVDA is concerned with the elevated level of radon in several homes in the subdivisions south of the HMC site and requested the agencies to take action to mitigate these levels. The agencies stated that the report of elevated radon levels in homes south of the HMC site are based on a single quarter of data and that no conclusions as to the source of the radon has been made. The agencies are concerned about the radon issue, and EPA and NMED are evaluating alternatives for mitigation. **Action Required – The agencies are evaluating alternatives for radon mitigation through the State’s Indoor Radon Program and completion of the radon survey and determination of the radon source (if possible), shall be made available upon the completion of the survey.**

HMC activities related to RSE recommendations

During the discussion of the RSE recommendations, it was pointed out that HMC is currently implementing several of the RSE recommendations. These include pilot testing rebound of the LTP flushing program, several groundwater treatment technologies including zeolite, bioremediation, and zero valent iron; however, such developments have not been effectively communicated to the public. **No Action Required - The RSE recommendations are being implemented in the overall context of the remedial process and many will be incorporated into the CAP. The agencies remain committed to holding more frequent meetings to discuss on-going activities at the site.**

POC wells

BVDA expressed concern that POC well X is not in compliance due to its inability to detect leakage from the STP due to dilution resulting from nearby fresh water injection and that license condition 35 requires POC wells to be identified. The agencies understand that dilution is part of the remediation system and stated that the site is required to achieve compliance with the cleanup goals throughout the entire area impacted by the site in order to be in compliance with NRC, CERCLA, and NM regulations, not just at POC locations. The agencies also encouraged BVDA and its technical advisors to review and provide comments to the draft CAP which is anticipated to be released to the public for review in the fall. **No Action Required.**

Gross beta in the community water system

BVDA stated that gross beta exceeds the MCL in the Milan community water system as reported in the WATERS database and requested clarification. The agencies were unaware of this and stated they would look into this.

NMED reviewed the WATERS database records for the Milan community water system and determined that gross beta particle activity was detected above the laboratory reporting limit in all water samples, but the MCL was not exceeded in any samples. **No Action Required - NMED reviewed the Drinking Water Bureau records for clarification and concluded that the Milan community water system is in compliance with the drinking water standard for gross beta particle activity.**

Temporary permission to irrigate using contaminated water

BVDA asked if HMC was irrigating fields with contaminated water. NMED stated that HMC was granted temporary permission to irrigate one (Section 28) of the four fields HMC requested temporary permission. The Section 28 parcel sits above the existing western alluvial plume and therefore the regulations allow irrigation with water that does not exceed current concentrations in the western alluvial plume. **No Action Required.**

Alluvial Background Concentrations

A long discussion on how the background alluvial concentrations were determined was held. One issue floated to the top as concern from BVDA's technical advisor; when wells are evaluated individually, the Unified Guidance leads one to conclude that the wells cannot be grouped into a single dataset. If this interpretation of the Unified Guidance is correct, it is unclear on how multiple datasets can be used to establish a single background concentration for a given analyte. BVDA's technical advisor was unable to provide a solution. Based on interagency discussions, the Unified Guidance is not deemed to be applicable. Statistical methodology that was used to establish the alluvial background values is consistent with the appropriate EPA guidance that was available at the time. The HMC alluvial ground water data exhibits a non-parametric data distribution and therefore may be placed into a single background dataset. **No Action Required – The agencies have determined that the Unified Guidance is not applicable.**

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