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February 26, 1997

Mr. Shawn Ghose (6H-EA)  
U.S. EPA, Region VI  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

RE: The Role and Responsibility of NMED at the UNC Church Rock Site.

Dear Mr. Ghose:

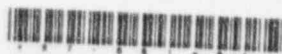
Despite past understanding of the roles and responsibilities of various regulatory agencies, current roles and responsibilities need to be clearly defined so that all parties can work cooperatively and efficiently in moving the United Nuclear Corp. (UNC) Church Rock site toward completion. This letter restates the position of New Mexico Environment Department (NMED) at the UNC site.

Section 121(d)(2) of CERCLA, as amended by SARA, requires that remedial actions must comply with Federal and State environmental laws, i.e., Applicable or Relevant and Appropriate Requirements (ARARs). While NMED maintains its authority to enforce the New Mexico Water Quality Control Commission (WQCC) Regulations at this site, enforcement effort is in conjunction with the U.S. Environmental Protection Agency (EPA) Superfund process and is reflected in the U.S. Nuclear Regulatory Commission (NRC) license for the UNC Church Rock site.

UNC proposed that the remedial goals have been met at the site. Without statistical evaluation for all the regulated substances other than NO<sub>3</sub>, SO<sub>4</sub> and TDS and given chemical-specific ARARs of NO<sub>3</sub>, SO<sub>4</sub> and TDS in the EPA's Record of Decision (ROD), the claim cannot be substantiated. NMED understands that these constituents have background levels higher than the ARARs. With changes in the background values for these constituents, UNC may be able to demonstrate that remedial goals have been achieved at the point of compliance (POC) wells under the NRC license.

NMED recognizes that UNC could propose Alternate Concentration Limits (ACLs) through the NRC license if cleanup to the remedial standards is technically infeasible. It is NMED's understanding that the proposed ACLs for any constituent must meet its health-based standard or the background concentration, whichever is higher, at the point of exposure (POE). As the U.S.

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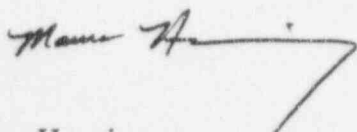
Mr. Shawn Ghose  
U.S. EPA, Region VI

Department of Energy (DOE) ownership of the property will be in perpetuity after the remedial activities have been completed and the site is delisted by EPA and NRC, NMED would support the property boundary being declared as the POE. This would coincide with the POC enforced under the WQCC Regulations. Demonstration of compliance with the ARARs at the POE by UNC would support the claim that remedial goals have been achieved. NMED believes that good communication among all the agencies during the process of UNC's ACLs application is necessary in order to expedite the completion of the site cleanup.

While working cooperatively with EPA and NRC in achieving remedial goals at the site, NMED maintains its authority to enforce the WQCC Regulations at the stated POC. Violation of the WQCC Regulations beyond the property boundary would require additional cleanup or relief from the WQCC Regulations.

Please contact me at (505)-827-2922 or Beiling Liu at (505)-827-0184 if you have any questions.

Sincerely,



Maura Hanning  
Program Manager, Superfund Oversight Section  
NMED Groundwater Quality Bureau

cc: Don Williams, EPA, Region VI  
Ken Hooks, NRC/DWM/URB  
Julie Curtiss, Navajo Superfund Program  
Juan Velasquez, United Nuclear Corp.  
Beiling Liu, NMED  
Stuart Kent, NMED