



GARY E. JOHNSON  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Telephone (505) 428-2500  
Fax (505) 428-2567  
www.nmenv.state.nm.us

ENTERED



PETER MAGGIORE  
SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

December 21, 2001

Dr. John C. Browne  
Director  
Los Alamos National Laboratory  
P. O. Box 1663, MS A100  
Los Alamos, NM 87545

Mr. David A. Gurulé  
Area Manager  
Los Alamos Area Office  
Department of Energy  
528 35<sup>th</sup> Street, MS A316  
Los Alamos, NM 87544

**SUBJECT: DETERMINATION OF INCOMPLETENESS FOR:**  
1) "CLOSURE AND POST CLOSURE PLANS FOR TA 54-AREA G LANDFILL," SEPTEMBER 1985;  
2) "TA-54 AREA H & AREA L LANDFILL CLOSURE AND POST-CLOSURE PLAN," NOVEMBER 1986;  
3) "CLOSURE PLAN FOR TECHNICAL AREA 54, MATERIAL DISPOSAL AREA L" (REVISION 1.0), MARCH 1998;  
4) "CLOSURE PLAN FOR TECHNICAL AREA 54, MATERIAL DISPOSAL AREA H" (REVISION 1.0), MARCH 1998.  
LOS ALAMOS NATIONAL LABORATORY EPA ID# NM0890010515  
HWB-LANL-99-050

Dear Dr. Browne and Mr. Gurulé:

The New Mexico Environment Department (NMED) has reviewed the above-referenced Closure Plans and Post-Closure Plans (Plans) submitted by Los Alamos National Laboratory and the U.S. Department of Energy (Permittees) and has determined that all four Plans are incomplete. This letter outlines the most glaring deficiencies of the Plans.

The Plans fail to demonstrate that the requirements of 20.4.1.500 NMAC (incorporating 40 CFR §§ 264.91 through 100 and Part 264, Subpart G) will be met. Individual shafts, pits, and trenches



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at Technical Area (TA) 54 Material Disposal Areas (MDA's) G, H, and L are unlined, and therefore the whole of each MDA is considered one hazardous waste disposal unit (i.e., a landfill), as defined at 20.4.1.100 NMAC (incorporating 40 CFR § 260.10). Hazardous waste was disposed of at MDA's G, H, and L after the effective date of regulation under the Resource Conservation and Recovery Act (RCRA), and therefore each MDA is subject to all groundwater monitoring, closure, and post-closure requirements of 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subparts F and G). Hazardous waste was disposed of at MDA's G, H, and L after July 26, 1982, and therefore each MDA is subject to the specific groundwater monitoring requirements of 20.4.1.500 NMAC (incorporating 40 CFR §§ 264.91 through 100). 40 CFR Part 264, Subparts F and G, are therefore not adequately addressed in the Plans.

In order to comply with groundwater monitoring, closure, and post-closure requirements, including the closure performance standard of controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, escape of hazardous waste or constituents to the groundwater or surface water (20.4.1.500 NMAC (incorporating 40 CFR § 264.111(b))), the nature and extent of releases from MDA G as a whole, MDA H as a whole, and MDA L as a whole must be determined and releases that result in an unacceptable risk must be remediated. The Permittees are required to include an assessment of risk from radionuclides in their assessment of total risk from each MDA.

The Permittees' Groundwater Monitoring Waiver Request was denied (see May 30, 1995, letter from NMED to Permittees) because it failed to demonstrate compliance with 20.4.1.500 NMAC (incorporating 40 CFR § 264.90(b)(4)). Therefore, post-closure plans for MDA's G, H, and L, which are regulated units as defined at 20.4.1.500 NMAC (incorporating 40 CFR § 264.90(a)(1)), must include groundwater monitoring meeting the requirements of 20.4.1.500 NMAC (incorporating 40 CFR §§ 264.91 through 100 and 264.117(a)(1)(i)). To comply with 20.4.1.500 NMAC (incorporating 40 CFR §§ 264.91 through 100), the Permittees may consider the whole of TA 54 a waste management area, as defined at 20.4.1.500 NMAC (incorporating 40 CFR § 264.95(b)(2)). Therefore, MDA's G, H, and L groundwater monitoring requirements may be met by groundwater monitoring for TA-54 as a whole.

For MDA H only, in accordance with terms outlined in previous NMED correspondence to the Permittees dated December 27, 2000, compliance with 40 CFR Part 264, Subparts F and G requirements may be demonstrated under 40 CFR § 264.101 corrective action procedures, such as RCRA Facility Investigation Reports and Corrective Measures Studies. However, the substantive requirements of Subparts F and G must be met at MDA H.

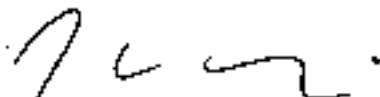
The Permittees must submit revised plans within 60 days of receipt of this letter. Failure to submit these plans in a timely manner could significantly delay processing of the TA 54 Permit Application.

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I regret that NMED did not respond to the Permittees' plans until now. We are committed to much better customer service for our Permittees, and appreciate your patience and willingness to work with us as we improve our business practices.

If you have any questions or need additional information please contact me at 505-428-2512 or have your staff contact Carl Will of my staff at 505-428-2542.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB  
D. Cobrain, NMED HWB  
C. Will, NMED HWB  
L. Winn, NMED HWB  
P. Allen, NMED HWB  
A. Ortiz, NMED OGC  
D. Neleigh, EPA Region 6 (6PD-N)  
J. Ellvinger, LANL ESH-19, MS K490  
G. Bacigalupa, LANL ESH-19, MS K490  
G. Turner, DOE LAAO, MS A316

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