



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI
1201 ELM STREET
DALLAS, TEXAS 75270

43 JUL 1983

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Harold E. Valencia
U.S. Department of Energy
Area Manager
Los Alamos Area Office
Los Alamos, New Mexico 87544

Re: Los Alamos Scientific Lab
EPA ID # NM0890010515

Dear Mr. Valencia:

Pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6927(a), as amended, the U.S. Environmental Protection Agency (EPA) inspected your facility at Los Alamos Area Office, Los Alamos, New Mexico on June 20, 1983. An initial evaluation of the inspection report, Notification of Hazardous Waste Activity dated November 19, 1980, Part A permit application dated November 19, 1980, and other pertinent file information indicate this facility is a generator, transporter, and treatment, storage, or disposal facility regulated under RCRA.

40 CFR Part 265, Subpart F of RCRA requires that the owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste implement a groundwater monitoring program. In accordance with 40 CFR §265.90(c), all or part of the groundwater monitoring requirements may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial or agricultural) or to surface water. This demonstration must be made by a certified geologist, in writing, and must be maintained at the facility.

EPA Region VI received a letter on August 19, 1982, notifying us that a waiver of groundwater monitoring requirements had been implemented by the owner of this facility. On June 20, 1980, Los Alamos Scientific Laboratory declined to furnish an EPA Inspector with a copy of the groundwater monitoring waiver. There is concern that the requirements of 40 CFR §265.90(c) may not have been properly implemented.

In light of that concern, it is necessary for EPA to obtain further information. Therefore, pursuant to Section 3007 of RCRA, 42 U.S.C. 6927, that you submit a copy of the groundwater monitoring waiver presently on file at your facility within five (5) days of your receipt of this letter.

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General

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The records, reports, and/or information described in this letter must be submitted whether or not you regard part or all of it as a trade secret or confidential. The regulations found in Subpart B of Part 2 of Title 40 of the Code of Federal Regulations (originally published in the Federal Register on September 1, 1976, and amended in the Federal Register on September 8, 1978) govern EPA's handling of confidential business information. If you desire, you may assert a business confidentiality claim for part or all of the information submitted. The information covered by such a claim will be disclosed by EPA only to the extent and by the procedures set forth in 40 CFR Part 2, Subpart B, Section 3007 of the Solid Waste Disposal Act. Unless you make such a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. In making such a claim, you should clearly identify each document or each page of a document, with a legend such as "trade secret," "proprietary," or "company confidential." Such confidential material may be submitted separately from other material. Effluent data, as defined in 40 CFR 2.302(a), may not be considered to be confidential business information.

Should the signatory find, at any time after submittal of the requested information, that any portion of the submission certified as true is false or incorrect, the signatory should notify Region VI. If any answer certified as true is found subsequently to be untrue, the signatory can be prosecuted under 18 U.S.C. 1001.

This letter is not subject to the approval requirements of the Paperwork Reduction Act of 1980, Chapter 35 of Title 44, United States Code.

If you have any questions regarding this request, please contact Scott Nicholson, Engineer (6AW-HE), U.S. Environmental Protection Agency, 1201 Elm Street, InterFirst Two Building, Dallas, Texas 75270, telephone (214) 767-9726.

Sincerely yours,

Allyn M. Davis

Allyn M. Davis, Director,
Air and Waste Management Division

cc: Raymond Sisneros
New Mexico Environmental
Improvement Division