

OCT 26 1994

Mr. Joseph C. Vozella, Asst. Area Manager
Environment, Safety and Health Branch
Department of Energy
Los Alamos Field Office
Los Alamos, NM 87544

Re: No Further Action proposals
Los Alamos National Laboratory (NM0890010515)

Dear Mr. Vozella:

This letter is in part a response to the July 1, 1994 letter from Los Alamos National Laboratory (LANL) which addressed criteria for No Further Action (NFA) requests. The Environmental Protection Agency (EPA) has already responded informally to this letter by submitting a revision of the NFA criteria proposed by LANL. Enclosed are the comments which have already been provided.

Several of the RFI workplan documents which have been reviewed recently have failed to submit adequate information for EPA to make a NFA determination. In the future when proposing a site for NFA based on archival data, the archival information should be provided as an addendum to the RFI workplan. The appropriate excerpts from reports or documents rather than the entire document, should be provided especially if a document is cited several times. Whenever previous sampling is described in any workplan that data should also be provided for review.

If you should need additional information or have any questions, please feel free to contact Barbara Driscoll of my staff at (214) 665-7441.

Sincerely Yours,

William K. Honker, P.E., Chief
RCRA Permits Branch

Enclosure

cc: Mr. Benito Garcia
Bureau Chief, Hazardous and Radioactive Materials Bureau
New Mexico Environment Department
Mr. Jorg Jansen
Program Manager, Environmental Restoration Program
Los Alamos National Laboratory, M992

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J. Vozella
10/24/94

W.K. Honker
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General

**Comments on Criteria for
No Further Action
As Proposed by Los Alamos National Laboratory**

Criterion 1. The PRS has never been used for the management (that is generation, treatment, storage, or disposal) of RCRA solid or hazardous wastes, radionuclides or other CERCLA hazardous substances.

Examples/Explanations: For purposes of the HSWA permit, units falling under Criterion 1 may have been mistakenly identified as a SWMU in an earlier study. If this unit only has a radionuclide component then the site may be requested for a NFA under the permit, and may still be investigated as an area of concern by the Environmental Restoration program.

The unit may not be located or may have been found to never have existed.

Criterion 2. No release has occurred from the unit to the environment.

Definition of release: Release means any spilling, leaking, pouring emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment.

Examples/Explanations: A release of any hazardous constituents may also be unlikely due to the engineering (secondary containment or overflow prevention) or management (inspection or inventory) controls. A visual inspection of a unit may be satisfactory for documentation that no release has occurred. Complete containment of a unit within a building with no route to the environment is another example. This should also be verified by a visual inspection and examination of engineering drawings if available.

Criterion 3. The site is regulated or closed under a different authority which addresses corrective action.

Example/Explanation: An outfall may be permitted under the NPDES program, and still be required to be investigated under RCRA. The NPDES permit only addresses the actual water discharge from the outfall, and does not address corrective action or remediation of material deposited at the outfall over time. In this instance, the soil at the outfall may need to be sampled.

If a regulated unit is being closed under RCRA authority then this site will normally not be investigated under the HSWA program, as RCRA closure requirements would be more stringent.

Generally paragraphs 2, 3 and 5 are acceptable. It should be noted that this units are still SWMUs and NMED may choose to have any investigations conducted under the HSWA program if it is more

expedient.

Criterion 4. Acceptable

Strike paragraph 2, EPA retains the right to review cleanups under other regulatory programs if the unit is a SWMU.

Paragraph 3. Strike last 4 sentences. These do not apply to the NFA criteria and appear to be editorial comments.