

HSIDA LANL G/M/2000

Los Alamos National Laboratory

Hazardous and Solid Waste Group (ESH-19)
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Date: November 8, 2000
Refer to: ESH-19:00-099

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James Bearzi, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2044-A Galisteo Street
P.O. Box 26110
Santa Fe, New Mexico 87502-6110



Dear Mr. Bearzi:

Subject: Status of the Permit Working Group

The purpose of this letter is to provide to you the most recent draft permit schedule and to report on the progress of the Permit Working Group (PWG). This is the third schedule we have put together. A copy of each previous schedule was provided to John Kieling and more recently to Carl Will of your staff. The schedule has fallen significantly behind that originally discussed and agreed upon in our meeting of April 20, 2000. We started documenting the activities undertaken by the PWG so we might be able to track the project's activities and time frames, hoping we might be able to learn from this first effort.

As you know the first step of the permitting activity at LANL was to generate draft permit chapters for the general portion and the Technical Area (TA-) 16 portion of the permit. As time went on the decision was that a permit could not be issued without a corrective action chapter (a recent addition).

As you can see from the attached schedule we have gone through two Requests for Supplemental Information (RSI) on the General Chapter's application and one for the TA-16 Chapter. IT Corporation has delivered the preliminary draft versions of the permit chapters for the Hazardous Waste Bureau's (HWB) review. These documents were based on the EPA boilerplate with some initial changes to reflect the Los Alamos National Laboratory (LANL) specific conditions and activities. Those documents were delivered June 21, 2000.

It is LANL's understanding that there will be another RSI on the General Chapter once Carl Will has completed his review of the document and consulted with Lee Winn (HWB permit writer formerly in charge of that Chapter). Further development of the draft permit chapters is pending the completion of the HWB reviews of the preliminary draft



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chapters and LANL responses to the various RSI's for the General Part B application and the TA-16 application.

As you can see by the red segment the review and approval of the TA-16 application RSI response is now the critical path for the completion of this project. If projections built into the schedule hold for the remainder of the project the completion date for the project is now January 16, 2001.

The following major issues identified at the outset of the project remain unresolved:

- The flood plain report was identified as a major issue. The author and others from LANL came to a PWG meeting and presented their information and data. The New Mexico Environment Department (NMED) Oversight Bureau's review, documented in a letter to LANL, showed none of the sites seeking a RCRA permit were located within the flood plain as determined by both LANL and the Oversight Bureau's reviewer. LANL has agreed to provide HWB with an updated flood plain report (an effort resulting from the Cerro Grande Fire) once it is completed. All information gathered to date indicates there is no potential for any of the RCRA units to be even remotely close to those potentially affected areas.
- The issue of the structure and content of the waste minimization language for the permit has not been resolved. LANL has offered to make a presentation regarding the current LANL program and both NMED and LANL have reviewed other state's permits incorporating waste minimization language.
- The need for a risk assessment for the TA-16 Burn Grounds remains a question. LANL has provided a tour of the site for HWB personnel assessing this issue, a briefing on the risks and pathways for the site and copies of Risk Assessments previously performed for TAs-14, 36 and 39. These other sites are viewed as having a greater, although minimal potential to impact human health and the environment due to their being open detonation sites with populations in closer proximity. The actual assessments for each of these sites showed no risk to either the public or the environment.
- The issue of monitoring at the site remains unresolved also. LANL has provided those personnel working on the hydrology in the area to explain what data is currently available. LANL has also provided information on the Hydrogeological Workplan. It was explained that the Workplan was developed at the direction of NMED to address what NMED perceived as a need for further characterization of the hydrogeologic regime at LANL. The Workplan, inclusive of its strategy and schedule, was approved by NMED to satisfy the regulatory issues (both RCRA and HSWA). These issues were identified in NMED letters sent in 1995 (May 30, 1995 - NMED's denial of LANL groundwater monitoring waiver, August 17, 1995 - NMED letter requiring LANL submit a workplan to address HSWA hydrologic permit requirements and RCRA regulatory groundwater monitoring requirements). Information developed during implementation of the Workplan is necessary to appropriately address future decisions regarding monitoring. It is important to keep this section as flexible as possible. We propose to keep the Hydrogeologic Workplan separate from the permit.

- The need to define the term "hazardous waste management unit" has not been resolved. In a meeting with Carl Will and briefly with John Kieling on 10/30/00 it was pointed out that there was to be a meeting at HWB to discuss this issue internally. LANL has proposed having the parties sit down together, set the regulations aside, define the concerns of all and then see how the regulations might apply. LANL is ready to meet on this issue at any time.
- The development of the corrective action chapter of the permit is underway. LANL submitted an information package regarding this issue after being told by HWB that this chapter would be an HWB initiated chapter. LANL felt it necessary and important to support HWB in this effort and to file an application for corrective action. LANL stands ready to assist HWB in this activity and encourages HWB to work with the PWG on this issue to insure continuity with the other chapters of the permit.
- There has been a concern raised recently over 20 NMAC 4.2, Subpart IX, §270.14(c)&(d). This section of the regulations refers to the information on the solid waste management units (SWMU) and the monitoring program at LANL. (Monitoring was discussed in an earlier bullet.) LANL submitted the SWMU report (four large volumes) at the outset of the corrective action program. EPA performed a RCRA Facility Assessment early in the program. Since that time LANL has been working closely with HWB on the implementation of the corrective action program. LANL has provided documents and information derived from the program and associated monitoring to HWB for their review.

LANL has recently kicked off its activities for the TA-50 Chapter of the permit. As a first step LANL is reviewing and revising the application to reflect the changes that have taken place since it was submitted in January of 1999. We plan on having our first meeting with Steve Jetter and Carl Will on this chapter as soon as it can be scheduled. Since LANL is in a hold pattern for TA-16 we are beginning to work on other chapters so that we can continue to make progress.

We will be initiating work on the TA-54 Chapter after the holidays. That chapter has the potential to take some time. LANL has proposed divorcing the post closure care activities at TA-54 from the operating portions. This will allow the operating permit to proceed unimpeded as it only involves storage. We propose that corrective action chapters be created for the various Material Disposal Areas (H, L & G) independently. There will be many issues concerning monitoring, corrective action interaction and public concern for these areas that will take time and stall efforts on the operating permit. We propose to let these chapters proceed independently and expedite the storage at the operating sites at TA-54 (L, G & West).

It is evident we are at a crossroads in this project. Decisions by HWB on the above issues need to be reached in order to proceed. LANL has offered a number of solutions to each of the issues that remain outstanding. In order to move forward on the General Chapter and on the TA-16 Chapter a decision to declare the issues have been resolved or not is key. An option for moving forward with unresolved issues is the development of a compliance schedule for inclusion into the actual permit to allow for the necessary time

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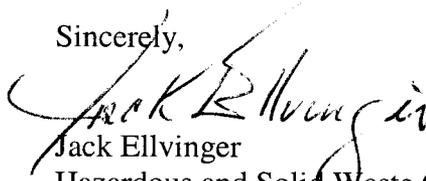
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for the development of the information HWB is seeking. Progress on this project is dependent on getting out of the application review phase and onto the draft permit development phase.

We have enjoyed the opportunity to work with HWB staff on this project and look forward to the speedy completion of these chapters. We hope that the lessons we are both learning on this initial undertaking will expedite the development of the remaining chapters of the permit.

If you should have any questions or concerns regarding this letter, please feel free to contact me at 665-0633.

Sincerely,



Jack Ellvinger
Hazardous and Solid Waste Group

JE/vh

Attachments (1)

Cc: w/o att.

John E. Kieling, Manager, Permits Management Program
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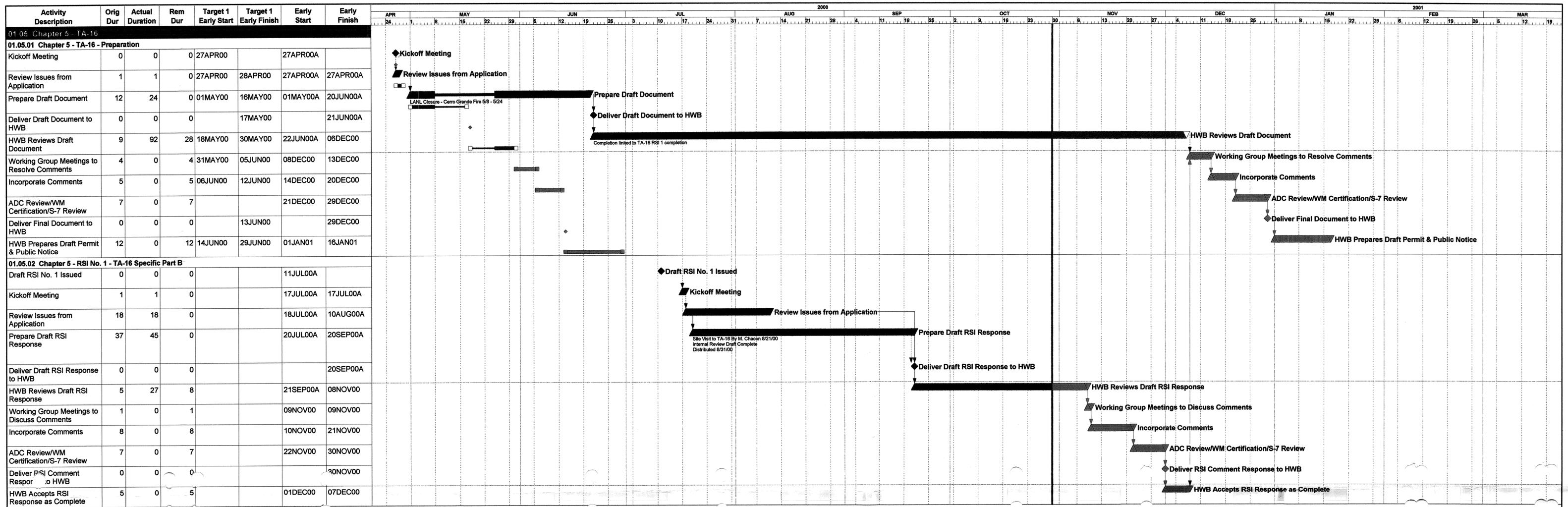
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Carl Will, Permitting Project Leader
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T. Gunderson, LANL, DLDOPS, A100
S. Rae, LANL, ESH-18, K497
D. McInroy, LANL, E-ER, M992
J. Stetson, DOE/LAAO/PWT, A316
E. Louderbough, LANL, LC-GL, A187
H. Haynes, DOE/AL/OGC
G. Bacigalupa, LANL, ESH-19, K490
P. Schumann, LANL, E-ER, M992
A. Barr, LANL, ESH-19, K490
B. Nylander, LANL, ESH-18, K497



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16JAN01	
30OCT00	
01NOV00 08:48	
27APR00	
30JUN00	

IT Corporation

LANL Permit Renewal

Sheet 2 of 2

Date	Revision	Checked	Approved

