



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2044 A Galisteo Street
Santa Fe, New Mexico 87505
Telephone (505) 827-1557
Fax (505) 827-1544



PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 7, 2001

Joni Arends
Waste Programs Director
Concerned Citizens for Nuclear Safety
107 Cienega
Santa Fe, New Mexico 87501

**RE: RESPONSE TO COMMENTS ON LOS ALAMOS NATIONAL LABORATORY'S
CLASS III PERMIT MODIFICATION REQUEST TO REMOVE NINE SOLID
WASTE MANAGEMENT UNITS FROM MODULE VIII OF THE RCRA
HAZARDOUS WASTE FACILITY PERMIT**

Dear Ms. Arends:

The Hazardous Waste Bureau (HWB) of the New Mexico Environment Department (NMED) has received the comments submitted by Concerned Citizens for Nuclear Safety (CCNS) regarding Los Alamos National Laboratory's (LANL's) request for a Class III permit modification to remove nine solid waste management units (SWMUs) from the Hazardous and Solid Waste Amendments (HSWA) Module of LANL's Resource and Conservation and Recovery Act (RCRA) Permit (the Permit). NMED would like to thank CCNS for its comments and the interest shown in the protection of the health and environment of New Mexico residents.

NMED concurs with CCNS that long-term stewardship principles should be considered while making decisions at all SWMUs proposed for no further action (NFA). However, long term stewardship mechanisms such as land use controls, monitoring, maintenance, etc. are not necessary for all the sites proposed for NFA. If the sites are remediated under current applicable state and/or federal regulations, do not pose a threat to human health or the environment, and are appropriate for unconditional release, then they do not require any controls at this time. However, if new information becomes available in the future, NMED can require a facility to take further action at these SWMUs.



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NMED does not lose regulatory authority and enforcement powers over SWMUs that are removed from RCRA permits through the type of permit modification LANL is proposing. NMED retains regulatory authority over the entire LANL facility as long as the Permit is in effect. If at any time in the future new information becomes available that warrants further action at a SWMU, NMED can require that LANL take action appropriate and relevant to the situation. Section K of the HSWA Module of the LANL Permit (corrective action requirements for SWMUs), clearly states this authority.

NMED has reviewed the request for permit modification submitted by LANL in June 2000 (referenced by LA-UR-00-2265) and intends to approve removal of SWMU 00-016, SWMU 00-033(a), SWMU 02-008(b), SWMU15-009(j), SWMU 15-012(a), SWMU 15-012(b), and SWMU 21-005 from the HSWA module of the Permit. NMED has based its decision on extensive review of the documents provided by LANL. In addition, NMED conducted site visits, where warranted, before reaching this conclusion. The contaminant concentrations at these SWMUs are below the levels that pose a risk to human health or the environment, and these SWMUs are therefore appropriate for unconditional release and do not require long-term stewardship. However, NMED is requesting additional information on two SWMUs (SWMU 06-003(g) and SWMU 40-003(a)) for further evaluation.

If you have any questions please contact Neelam Dhawan at (505) 827-1558.

Sincerely,



ER
John E. Kieling
Manager
Permits Management Program

JEK:nmd

Cc:

J. Bearzi, NMED HWB
J. Young, NMED HWB
C. Will, NMED HWB
N. Dhawan, NMED HWB
P. Allen, NMED HWB

File: Reading and HSWA LANL/NFA