

HSWA LANL G/P/2001



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GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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PETER MAGGIORE
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 27, 2001

Richard M. Weinstein
Counsellor at Law
215 Bloomfield Street #1E
Hoboken, New Jersey 07030

**RE: SECOND RESPONSE TO COMMENTS ON NMED's INTENT TO APPROVE
CLASS III MODIFICATION TO RCRA PERMIT NO. NM0890010515
US DEPARTMENT OF ENERGY/LOS ALAMOS NATIONAL LABORATORY,
NEW MEXICO**

Dear Mr. Weinstein:

The Hazardous Waste Bureau (HWB) of the New Mexico Environment Department (NMED) has received your e-mail regarding the response letter NMED had sent you on March 19, 2001. The letter provided a response to your concerns regarding NMED's Intent to approve a Class III Modification to Los Alamos National Laboratory's (LANL's) Resource and Conservation and Recovery Act (RCRA) Permit (the Permit). NMED has carefully considered and provided response to all the comments received during the 45 day public comment period that ended on January 8, 2001. NMED has determined that these thirty solid waste management units (SWMUs) are appropriate for removal from the Hazardous and Solid Waste Amendments (HSWA) Module of the Permit and is approving the requested Class III permit Modification.



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TC

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However, NMED would like to respond to the additional concerns you expressed in your last e-mail:

1. As mentioned in the previous response a RCRA Facility Assessment (RFA) was conducted by LANL and Environmental Protection Agency (EPA) in 1988. A SWMU Report was submitted to EPA and NMED based on this RFA, it was a preliminary report and was conservative. The sites were further investigated, Operable Unit (OU) Work Plans and RCRA Facility Investigation (RFI) Reports were submitted to the Administrative Authority. After review of the OU Work Plans and RFI Reports, EPA approved these sites for no further action (NFA). Subsequently, NMED reviewed the Permit Modification Requests (based on EPA's approval), submitted by LANL and approved removal of 102 SWMUs from the Permit. This action will remove an additional thirty SWMUs from the Permit. References to the relevant documentation is provided in the Statement of Basis for this decision and the documents are available for review at NMED and LANL addresses provided in the Statement of Basis. Some of these documents are also available at the LANL website <http://erproject.lanl.gov/documents/virtual.html>.
2. NMED has requested additional information from LANL and may require additional sampling at the remaining 58 sites before making a decision. Thirty of the eighty-eight sites you mentioned are being approved for removal through this action.
3. Regarding SWMU 03-025(a), clarification of archival information meant NMED reviewed the as-built engineering drawing that had been submitted by LANL. As-built engineering drawing ENG-C 17680 was submitted to NMED by LANL with their original request for permit modification in September of 1996. No oil traps or sumps appear on the as-built engineering drawing. However, NMED personnel conducted a site visit on July 28, 1999, and inspected the basement and the first floor of the building. At the conclusion of this inspection, NMED personnel were satisfied that no oil trap or sump existed in the building.
4. As per your request, a copy of the "Electromagnetic Investigation of SWMU 18-007 and 27-001, Los Alamos National Laboratory, Los Alamos, New Mexico" is enclosed with this response. The reported time of burial was 1944. NMED did not interview any LANL employees. NMED was satisfied with the results of the electromagnetic survey.

As stated in the previous response, if at any time in the future, additional information becomes available warranting further action at these SWMUs, NMED retains the regulatory authority to require further corrective action at these SWMUs.

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NMED would like to thank you for your continued interest in the protection of the environment of the state of New Mexico. If you have any questions please contact Neelam Dhawan at (505) 827-1557 extension 1018.

Sincerely,



John E. Kieling
Manager
Permits Management Program

JEK:nmd

Cc (w/o enc.):

- J. Bearzi, NMED HWB
- J. Young, NMED HWB
- C. Will, NMED HWB
- N. Dhawan, NMED HWB
- P. Allen, NMED HWB
- T. Taylor, DOE LAAO, MS A316
- J. Canepa, LANL EM/ER, MS M992

File: Reading and HSWA LANL ~~XXXXXXXXXX~~