

**Pullen, Steve, NMENV**

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**From:** Pullen, Steve, NMENV  
**Sent:** Wednesday, June 20, 2007 11:25 AM  
**To:** 'Gian Bacigalupa'  
**Cc:** Kieling, John, NMENV  
**Subject:** RE: Exposure Information

Gian,

John Kieling confirms that the land-based units never had a Part B. Are you aware of this issue having been addressed in a NOD on the permit application in the past?

I need to ensure that this issue is sufficiently addressed in the administrative record. If nothing else exists, and unless you object, your explanation will be placed in the record.

Thanks,

Steve Pullen

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**From:** Gian Bacigalupa [mailto:gian@lanl.gov]  
**Sent:** Wednesday, June 20, 2007 9:41 AM  
**To:** Pullen, Steve, NMENV  
**Cc:** jee@lanl.gov  
**Subject:** Re: Exposure Information

Steve,

I don't agree that the regulation is applicable based on the text. It's my interpretation that the regulatory environment for LANL surface impoundments and landfills has been involved with interim status closure for legacy units rather than applying for active unit permits. As an example, the closure plans for the surface impoundments and landfills at TA-54 were first submitted in the mid 1980s and I don't think that Part Bs for these units were ever called in or they would have been included with the 1989 permit. I am not aware of whether the TA-54 Area L and Area G Landfill closure plans most recently separately submitted (March, 2007) are going to be associated with the Part B.

40 CFR 270.10(j) would seem to be limited to active units applying for permits as it references this to be included in a Part B permit application (however, please note that 270.10(c) states that a Part B can be complete without the information). This interpretation is based on the language of the regulation addressing normal operations and accidents. The LANL surface impoundments and landfills are not performing normal waste management operations in terms of permit conditions (handling, loading, placement of waste, inspections, etc.) and such operations are not being applied for.

I also don't think that there is an oversight involved in that the closure plans address past history, potential releases, and remedial actions including the need for post-closure activities and monitoring. This is also a goal (coordinated with in this case) of the on-going corrective action characterization, risk assessment, and eventual monitoring being evaluated through the Consent Order comprehensively for TA-54. The potential releases (and pathways) for the Area L and G Landfill units is addressed as part of the Risk Assessment sections from the MDA L and MDA G Investigation Reports (2005) as their potential impacts can't be separated at this point from the present known releases at TA-54. If the inclusion of this information with the General Part B is deemed to be necessary for your purposes, these sections represent the most recent and relevant data.



This is just a personal opinion. I have not been able to access the 1985 EPA guidance for this issue out of RCRA Online, which might have more info on applicability. If you have any further questions or would like to discuss this issue, please call me at 667-1579.

Thank you,  
Gian Bacigalupa  
ENV-RCRA  
LANL

At 04:54 PM 6/19/2007, you wrote:

Gian,

A question has come up regarding the exposure information requirements of 40 CFR § 270.10(j) and how LANL has addressed these. I looked in the General Part B regulatory reference Table 1.1 in Section 1 and found no reference. I believe the regulation is applicable so could you help me understand where this has been addressed?

Thanks,

Steve Pullen

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