State of New Mexico
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EDGAR T. THORNTON, III
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 10, 1996

Mr. Theodore J. Taylor, Program Manager
Department of Energy
Los Alamos Area Office
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

Mr. Jorg Jansen, Program Manager
Environmental Restoration
Los Alamos National Laboratory
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

**RE: Notice of Determination**
**Requests for Permit Modification**
**Units Proposed for No Further Action**
**March and September 1995**

Dear Mr. Taylor and Mr. Jansen:

The New Mexico Environment Department (NMED) Hazardous and Radioactive Materials Bureau (HRMB) has completed its review of the Hazardous and Solid Waste Amendment (HSWA) units proposed for no further action (NFA) in both the March 1995 (89 HSWA units) and September 1995 (59 HSWA units) Requests for Permit Modification.

The Requests recommend NFA for a total of 576 PRSs: 148 HSWA units and 428 Areas of Concern (AOCs). After formal review of the AOCs, a separate Notice of Determination will be transmitted. This Notice of Determination is applicable only to the 148 HSWA units.

Attachment A is a listing of all units for which NFA recommendations are deemed inappropriate or are deficient by NMED HRMB and require the submittal of

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supplemental information. Attachment B is a listing of those units which are suitable candidates for NFA proposal.

DOE/LANL is required to provide a response to the deficiencies identified in Attachment A within 30 working days of the receipt of this letter. DOE/LANL may request an extension to the 30-day response time. However, in its request, DOE/LANL must specify the proposed submittal date and include justification for the delay.

Due to exigencies within the State government, the completion of this project has been cost allocated to general funds.

NMED HRMB provides the following general comments on the two Requests:

1. All documents cited in the text should be available to the public without difficulty. Providing an indication of where the document may be found (i.e., Public Reading Room or the Environment Restoration Records Center) would be helpful to the reader.

2. Documented information such as operational dates, estimated waste volumes, sampling or screening results from the PRS, engineering controls, and a description of operations should be summarized for each PRS although this information may also be included in the RFI Workplan.

3. Inactive and/or abandoned septic tanks should be backfilled with clean material for the following reasons: it would eliminate the chance of a person accidentally falling through the cover and it would deter any future disposal of materials.

4. DOE/LANL is encouraged to review and style the response to the listed deficiencies as well as future NFA Proposals after the DOE/Sandia National Laboratory (SNL) NFA Proposals.

Should you or your staff have any questions concerning this Notice of Determination, please contact either myself or Ms. Teri D. Davis at 505/827-1558.

Sincerely,

Robert S. ("Stu") Dinwiddie, Manager
RCRA Permits Management Program

RSD:kth

cc: R. Dinwiddie, NMED HRMB

T. Davis, NMED HRMB
B. Garcia, NMED HRMB
T. Glatzmaier, DDEES/ER, MS M992
E. Kelley, NMED SWQB
M. Leavitt, NMED GWQB
D. McInroy, EM/ER, MS M992
D. Neleigh, EPA, 6PD-N
J. Vozella, LAAO, MS A316
N. Weber, NMED AIP, MS J993
S. Yanicak, NMED AIP, MS J993
K. Zamora, LAAO, MS A316
LANL 96 File

# ATTACHMENT A
## Units Proposed for NFA Which Are Not Suitable and Require the Submittal of Supplemental Information

| PRS | Description | OU | Citation | Page | NFA Criterion | NMED Comment |
|---|---|---|---|---|---|---|
| **March 1995 Request for Permit Modification: Units Proposed for NFA** | | | | | | |
| 3-009(c) | Surface Disposal | 1114 | 2.1.1.4 | 2-4 | 4 | Documentation is cited which states, "The area appears to be only soil fill." The appearance of a PRS is insufficient evidence that hazardous or radioactive constituents are, or are not, present. Sampling should be conducted to determine whether or not hazardous constituents are present at this PRS. Screening methods may be used to locate biased sampling points. |
| 3-009(g) | Surface Disposal | 1114 | 2.1.1.7 | 2-5 | 1 | Additional documented information should be included to support the statement that this "...was a borrow pit for material to build the Twomile Canyon Bridge." |
| 9-005(g) | Septic system | 1157 | 2.1.1.18 | 2-9 | 1 | Additional documented information should be included or referenced regarding the activities relative to TA-9-50. |
| 10-006 | Burn site | 1071 | 2.1.1.21 | 2-10 | 1 | Additional methods, such as radiological and/or geophysical screening techniques, should be used to locate the PRS. |
| 11-011(c) | Industrial or sanitary waste line | 1082 | 2.1.1.23 | 2-11 | 1 | It is unclear if the asphalt contained the condensate from the steam vent pipe; a description of engineering controls at this PRS should be included and referenced. Sampling or screening may be needed if the condensate was not contained. |
| 12-002 | Open burning ground | 1085 | 2.1.1.24 | 2-11 | 1 | Additional information should be provided to document the one-time event and this PRS should not be removed from the permit until it has been determined that there has not been a release to the environment. |
| 15-004(i) | Detonation ground | 1086 | 2.1.1.25 | 2-11 | 1 | Additional documented information regarding the nature of the tests and the potential contaminants involved should be included. Also, a discussion of the methods employed to locate the PRS should be provided. |
| 22-011 | Disposal pit | 1111 | 2.1.1.30 | 2-12 | 1 | Additional documented information regarding the nature of the discarded objects and shapes and the locations of MDA-F and PRS 22-015(d) in reference to the disposal pit should be provided. |

| PRS | Description | OU | Citation | Page | NFA Criterion | NMED Comment |
|---|---|---|---|---|---|---|
| 46-004(a) | Waste line | 1140 | 2.1.1.38 | 2-15 | 1 | This PRS should be investigated concurrently with PRS 46-004(c) and should not be considered for NFA until the completion of the investigation at both PRSs. |
| 54-007(b) | Septic system | 1148 | 2.1.1.43 | 2-16 | 1 | A documented PRS history (including materials used in Building TA-54-22, as well as, an estimated volume of liquid introduced to the system) should be provided. In addition, the contents of the septic tank should be sampled. |
| 55-009 | Sumps & tanks | 1129 | 2.1.1.45 | 2-17 | 1 | Documented information regarding hazardous constituents in the sump should be referenced. Sampling may be required to determine the presence or absence of hazardous constituents. |
| 60-002 | Storage area | 1114 | 2.1.1.46 | 2-17 | 1 | Documented information regarding the presence or absence of hazardous constituents at this PRS should be included. |
| 60-004(a) | Septic tank | 1114 | 2.1.1.47 | 2-17 | 1 | Documented information regarding materials used as part of the radio and audio repair operations should be included or referenced. Building drawings and plans should be reviewed and referenced for the configuration of the sanitary waste lines. |
| 35-004(e) | Container storage area | 1129 | 2.1.2.3 | 2-19 | 2 | Documented engineering controls should be referenced to show that "...site design precludes COCs from migrating to the environment." |
| 35-011(a) | UST | 1129 | 2.1.2.4 | 2-19 | 2 | Additional information on the sanitary-waste lagoons should be included (i.e., active or inactive, HSWA or RCRA units). |
| 35-013(a-d) | Sumps | 1129 | 2.1.2.5 | 2-19 | 2 | These PRSs should remain on the RCRA permit until it has been determined that there has been no release of hazardous constituents to the environment. |
| 48-004(a-c) | Sumps & tanks | 1129 | 2.1.2.6 | 2-19 | 2 | These PRSs should remain on the RCRA permit until it has been determined that there has been no release of hazardous constituents to the environment. |
| 54-015(h) | Storage area | 1148 | 2.1.2.7 | 2-19 | 2 | Documented information on the PRS history, including a description of tests conducted and materials used, should be provided. The PRS should be sampled to determine the presence or absence of hazardous constituents. |

| PRS | Description | OU | Citation | Page | NFA Criterion | NMED Comment |
|---|---|---|---|---|---|---|
| 55-008 | Sumps & tanks | 1148 | 2.1.2.8 | 2-20 | 2 | Documented information should be included regarding the materials handled, managed, or stored in Building TA-55-4. In addition, the contents of the sumps and tanks should be sampled. |
| 3-043(e) | UST | 1114 | 2.1.4.8 | 2-26 | 4 | Additional documented information regarding the size, condition (including leakage, if any), and operational dates of the tank should be provided. |
| 35-002 | Material disposal area | 1129 | 2.1.4.9 | 2-26 | 4 | Documented information on the remediation activities should be referenced or included. |
| 35-003(p) | Wastewater treatment facility | 1129 | 2.1.4.10 | 2-26 | 4 | Not enough documentation is provided to substantiate the NFA recommendation. |
| 35-006 | Surface impoundment | 1129 | 2.1.4.11 | 2-26 | 4 | It is unclear whether the waste oil impoundment at this PRS was lined or unlined. The closure plan and PRS sampling should be referenced. |
| 59-001 | Septic system | 1114 | 2.1.4.14 | 2-27 | 4 | Documented information should be included regarding the materials handled, managed, or stored in Building TA-55-4. In addition, the contents of the sumps and tanks should be sampled. |
| 52-001(d) | UHTREX equipment | 1129 | 2.1.4.13 | 2-27 | 4 | Information based on sampling should be presented to indicate whether a release of hazardous constituents to the environment has occurred. |
| **September 1995 Request for Permit Modification: Units Proposed for NFA** | | | | | | |
| 3-009(a) | Surface disposal | 1114 | 2.1.1.1 | 2-3 | 4 | Little documented historical information is provided and it is unclear whether the landfill is permitted for the disposal of asbestos. Further documented information regarding the history of the PRS and the regulatory status of the landfill should be included. |
| 3-009(d) | Surface disposal | 1114 | 2.1.1.2 | 2-3 | 1 | Best management practices should be employed at this PRS to ensure that no material is transported to a water course. |
| 15-009(b) | Septic tank | 1086 | 2.1.1.4 | 2-4 | 1 | A documented PRS history, which includes a discussion of the materials used at the firing site and inside Building R-45, as well as, an estimated volume of liquid introduced to the system, should be included. In addition, the contents of the septic tank should be sampled. |
| 15-009(c) | Septic tank | 1086 | 2.1.1.5 | 2-4 | 1 | A documented PRS history, which includes a discussion of the materials used at the firing site and inside Building R-45, as well as, an estimated volume of liquid introduced to the system, should be included. In addition, the contents of the septic tank should be sampled. |

| PRS | Description | OU | Citation | Page | NFA Criterion | NMED Comment |
|---|---|---|---|---|---|---|
| 15-009(h) | Septic tank | 1086 | 2.1.1.6 | 2-4 | 1 | A documented PRS history, which includes a discussion of the materials used at the firing site and inside Building R-45, as well as, an estimated volume of liquid introduced to the system, should be included. In addition, the contents of the septic tank should be sampled. |
| 16-005(b) | Septic system | 1082 | 2.1.1.7 | 2-4 | 1 | A documented PRS history, including information which supports the removal of the septic system, the materials used in the associated building, and any available analytical results, should be included. |
| 15-007(d) | Shaft | 1086 | 2.1.3.6 | 2-13 | 3 | Referenced documentation should be provided to support the statement that a "one-time test" was performed in this shaft and that "explosions cause extensive mixing." In addition, "Low source term quantities...and no reasonable pathway to receptors..." are presented as justification for the NFA recommendation. Neither of these justifications meet the criteria for NFA. Since a release has occurred at this PRS, an evaluation of the risk or a release assessment should be performed. Preliminary screening or sampling may be necessary. |
| 61-007 | Transformer site - systemic leak | 1114 | 2.1.3.8 | 2-14 | 3 | The first paragraph states, "The regulatory closure was orally approved by EPA Region 6, TSCA regulations branch." Written documentation of the closure approval should be included or referenced. |
| 3-001(k) | Storage pad | 1114 | 2.1.4.1 | 2-15 | 4 | Although the last paragraph states that "Contaminants of concern are either not present or present in concentrations that would pose an acceptable level of risk under the projected future land use," further sampling should be conducted to determine the extent of Arochlor contamination. |
| 3-003(c) | Equipment storage area | 1114 | 2.1.4.2 | 2-15 | 4 | Analytical results of the sampling conducted as part of the ERIA reconnaissance survey should be summarized and properly referenced within the report. |
| 33-010(f) | Surface disposal | 1122 | 2.1.4.13 | 2-21 | 4 | Analytical results of the sampling conducted during the RFI should be summarized and properly referenced within the report. |
| 33-011(e) | Drum storage | 1122 | 2.1.4.14 | 2-21 | 4 | Analytical results of the sampling conducted during the RFI should be summarized and properly referenced within the report. |
| 33-012(a) | Drum storage | 1122 | 2.1.4.15 | 2-22 | 4 | Analytical results of the sampling conducted during the RFI should be summarized and properly referenced within the report. |

## ATTACHMENT B
## Units Proposed for NFA Which Are Suitable For a Class III Permit Modification

### March 1995 Request for Permit Modification

| | | |
|---|---|---|
| 0-005 | 9-005(b) | 16-012(x) |
| 1-001(h) | 9-005(c) | 21-012(a) |
| 1-001(i) | 9-005(e) | 33-004(e) |
| 1-001(j) | 9-005(f) | 33-004(f) |
| 1-001(k) | 9-005(h) | 35-003(i) |
| 1-001(l) | 9-007 | 36-003(c) |
| 1-001(n) | 11-007 | 39-003 |
| 3-009(b) | 16-005(o) | 39-006(b) |
| 3-009(e) | 16-006(b) | 40-001(a) |
| 3-009(f) | 16-006(f) | 46-008(c) |
| 3-012(a) | 16-010(g) | 52-001(a) |
| 3-018 | 16-012(d) | 52-001(b) |
| 3-020(a) | 16-012(i) | 52-001(c) |
| 3-039(a) | 16-012(j) | 52-002(b) |
| 8-003(b) | 16-012(l) | 52-002(c) |
| 8-003(c) | 16-012(m) | 52-002(d) |
| 8-006(b) | 16-012(n) | 52-002(f) |
| 8-007 | 16-012(p) | 54-001(c) |
| 9-003(c) | 16-012(t) | 54-013(a) |
| 9-003(f) | 16-012(u) | |

### September 1995 Request for Permit Modification

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|---|---|---|
| 3-001(a) | 16-012(f) | 16-031(g) |
| 3-001(b) | 16-012(g) | 16-032(d) |
| 3-001(c) | 16-012(h) | 16-032(e) |
| 3-002(b) | 16-012(k) | 16-034(g) |
| 3-009(h) | 16-012(o) | 21-024(j) |
| 3-035(a) | 16-012(q) | 21-024(k) |
| 3-035(b) | 16-012(r) | 21-024(m) |
| 14-004(b) | 16-012(s) | 21-024(n) |
| 15-014(m) | 16-012(v) | 21-024(o) |
| 16-005(f) | 16-012(w) | 21-027(b) |
| 16-005(i) | 16-012(y) | 21-027(d) |
| 16-006(i) | 16-012(z) | 33-004(d) |
| 16-012(a) | 16-025(c) | 33-004(g) |
| 16-012(b) | 16-025(g2) | 33-004(h) |
| 16-012(c) | 16-026(i2) | 53-007(b) |
| 16-012(e) | | |