

TA 15



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GOVERNOR

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 30, 1997

Mr. G. Thomas Todd, Area Manager
Los Alamos Area Office
Department of Energy
528 35th Street
Los Alamos, New Mexico 87544

Dr. Sigfried Hecker, Director
Los Alamos National Laboratory
P.O. Box 1663, MS A100
Los Alamos, New Mexico 87545

**RE: Denial of RCRA Facility Investigation Report and
Response to Notice of Deficiency
Technical Area 15 (dated May 1996)
Los Alamos National Laboratory
NM0890010515**

Dear Mr. Todd and Dr. Hecker:

The Resource Conservation and Recovery Act (RCRA) Permits Management Program (RPMP) of the Hazardous and Radioactive Materials Bureau has received and reviewed the Department of Energy/Los Alamos National Laboratory's (DOE/LANL's) response (dated July 18, 1997 and referenced by EM/ER: 97-274) to the Notice of Deficiency (NOD) for Technical Area (TA) 15 RCRA Facility Investigation (RFI) report.

The RPMP review concluded that the response made by DOE/LANL to the NOD is inappropriate and incomplete: the response neither resolves the RPMP comments nor does it address RPMP's request for additional work. Therefore, the RPMP denies and disapproves both the NOD response and the TA 15 RFI report. RPMP based its denial/disapproval on many issues some of which are presented in the comments provided in the attachment.

DOE/LANL has thirty (30) calendar days from the receipt of this letter to either submit an RFI report including appropriate Phase II Sampling and Analysis Plans (SAPs) for the same potential release sites investigated in the above identified RFI report.



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Mr. Todd and Dr. Hecker
July 30, 1997
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Should you have any questions about this denial/disapproval or the action required by DOE/LANL please contact me at the above address or by telephone at (505) 827-1561.

Sincerely,


Robert S. ("Stu") Dinwiddie, Ph.D., Manager
RCRA Permits Management Program
Hazardous and Radioactive Materials Bureau
New Mexico Environment Department

RSD:kth

cc with attachment:

T. Baca, LANL EM-DO, MS J591
T. Davis, NMED HRMB
B. Garcia, NMED HRMB
T. Glatzmaier, LANL DDEES/ER, MS M992
K. Hill, NMED HRMB
J. Jansen, LANL EM/ER, MS M992
M. Johansen, DOE LAAO, MS A316
J. Kieling, NMED HRMB
M. Leavitt, NMED GWQB
H. LeDoux, DOE LAAO, MS A316
D. McInroy, LANL EM/ER, MS M992
S. McMichael, NMED OGC
D. Neleigh, EPA, 6PD-N
J. Parker, NMED DOE OB
G. Saums, NMED SWQB
T. Taylor, DOE LAAO, MS A316
J. Tymkowich, NMED HRMB
S. Yanicak, NMED DOE OB, MS J993
File: Reading and HSWA LANL 2/1086/15
Track: LANL, 7/30/97, NA, DOE/LANL, HRMB/kth, RE, File

ATTACHMENT
Basis for Denial/Disapproval
TA 15 RFI Report and NOD Response

1. DOE/LANL continues to inappropriately apply Toxicity Characteristic Leachate Procedure to determine the nature and extent of contamination.
2. DOE/LANL fails to perform investigations as set forth in the approved RFI Workplans.
3. DOE/LANL fails to obtain required prior regulatory approval for deferrals and other variances from the schedule of compliance.
4. DOE/LANL does not directly address comments as provided in the Notice of Deficiency. DOE/LANL skews the NOD comments and then fails to address their substance.
5. DOE/LANL fails to provide requested supporting documentation which is required for a regulatory determination or that supports a stand-alone document. DOE/LANL continues to make reference to other documents rather than including the information within the RFI report.
6. DOE/LANL fails to provide a compilation of **all** analytical data and analytical results obtained during the RFI or used to support a Corrective Action decision.
7. Within the RFI report, DOE/LANL fails to provide information upon which it bases its further action decisions.