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December 2, 1992

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(AREA P)

Joseph C. Vozella, Acting Chief
 Environment, Safety and Health Branch
 Department of Energy
 Field Office, Albuquerque
 Los Alamos Area Office
 Los Alamos, New Mexico 87544

**RE: Hazardous Waste Management Regulations Applicable to the
 Area P Landfill Closure Plan**

Dear Mr. Vozella:

In a letter dated November 20, 1992, to the Hazardous and Radioactive Materials Bureau (HRMB) you requested that the HRMB allow the Department of Energy/Los Alamos National Laboratory (DOE/LANL) to incorporate the Area P Landfill closure design in the RCRA Facility Investigation (RFI) process currently ongoing at DOE/LANL. In the letter you also proposed a date of August 30, 1993 for submitting a modified closure document to the HRMB for the Area P Landfill. We appreciate receiving your letter and the enclosed copy of a Focused Feasibility Study for Area P Landfill.

In regards to your first request, we understand that the Area P Landfill is an interim status unit because it was active until 1985. The New Mexico Hazardous Waste Management Regulations (HWMR-7) are quite clear on the applicability of the regulations for the interim status Area P Landfill. Applicability is found in HWMR-7, Part VI, Section 40 CFR 265.1. Applicability of the regulatory requirements is specific and no other regulatory options for closure of the Area P Landfill are available. Regulatory applicability is at the discretion of neither the Environmental Protection Agency Region 6 (EPA) nor the New Mexico Environment Department (NMED). Regulatory and technical requirements for the closure plan for this unit are found in HWMR-7, Part VI, Section 40 CFR 265 Subpart G. Closure regulations are supplemented by EPA and NMED policy and guidance documents.

The RFI process that you described in your letter is part of the requirements implemented by the Hazardous and Solid Waste Amendments of 1984 for Solid Waste Management Units (SWMUs). The RFI is often initiated through the permit process. These permit requirements are codified in HWMR-7, Part V, Section 40 CFR 264.90(a)(2) and 264.101, and are supported by EPA policy and guidance. Corrective action regulations of HSWA do not apply to interim status units.



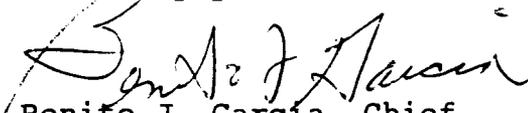
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The HRMB grants your second request to submit the modified Area P Landfill closure plan to this office no later than August 30, 1993. The HRMB will schedule with EPA to process our approval of the document during FY 94. This modified closure plan must be a stand-alone document which specifically references the appropriate interim status unit closure regulations. Contents of the modified Area P Landfill closure plan must include the items described in HWMR-7, Part VI, Section 40 CFR 265.112. Any variances from the closure regulations or any requests to extend the time required to close must be provided for in the regulations and must be supported by DOE/LANL's reasons for such variances or requests.

DOE/LANL may integrate the RFI sampling program for OU 1082 into the Area P Landfill closure plan to the extent allowed by HWMR-7, Part VI, Section 40 CFR Subpart G. However, the HRMB can not accept a RFI Workplan in the place of a closure plan for the Area P Landfill or for any other interim status unit that is under the New Mexico Authorized Hazardous Waste Management Program. A phased approach to closure may be considered. This approach would need to describe the details of the near term phase of closure and to also outline the next phase in as much detail as possible. Methodologies for implementing the next phase of closure based on the previous phase must be specified in the closure plan to minimize future modifications to the closure plan. Such modifications could require public notice and opportunity for public comment.

We hope that this information helps to clarify the difference between the RFI process and the interim status unit closure process. Please contact Marc Sides of my staff at (505) 827-4308 if you have any questions on the State's closure requirements, or if you would like assistance in developing the Area P Landfill closure plan.

Sincerely yours,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

cc: B. Hoditschek, HRMB
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