



BRUCE KING
GOVERNOR

June 3, 1993

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State of New Mexico
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JUDITH M. ESPINOSA
SECRETARY

RON CURRY
DEPUTY SECRETARY

RE: Material Disposal Area P (MDA-P) Closure

Dear Mr. Slaten:

Thank you for discussing the Department of Energy's (DOE) intentions for closing Material Disposal Area P (MDA-P) at the meeting on May 19, 1993, with the Hazardous and Radioactive Materials (HRMB). We appreciated the information that was outlined at the meeting, but we were somewhat surprised that DOE had already chosen the in-place closure option for an unengineered structure like the MDA-P. DOE contractor personnel, who had contacted the HRMB to schedule the meeting, had indicated that various closure options for MDA-P might be discussed at the meeting.

As you know the RCRA regulations do not directly consider the cost of compliance, but rather the protection of human health and the environment. RCRA regulations provide that DOE may choose between the two closure options, closure-in-place and clean closure. It is the regulator's responsibility to ensure that the option chosen meets the closure performance standards. DOE needs to provide the HRMB with the complete rationale for choosing the closure-in-place option over clean closure for the unit and how that option will be more protective of human health and the environment. DOE should closely consider the long-term liabilities of post-closure care of closing a unit like the MDA-P in-place. Further, the HRMB questions the feasibility of designing a cap to cover waste material cascading over the side of a canyon wall.

The information listed below is to clarify our position on the MDA-P closure and to assist you in developing an approvable closure under the options available:

The MDA-P closure plan will be submitted to NMED by August 30, 1993.

The MDA-P post-closure plan will be submitted to NMED by August 30, 1993.

The closure and post-closure plans will meet the requirements



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of HWMR-7, Part VI, Section 40 CFR 265 Subpart G.

All data collection activities scheduled in the closure plan will be specifically related to providing information in support of regulatory closure requirements. The HRMB is concerned with the lengthy schedule of completing closure activities presented in the May 19, 1993, meeting. Each phase of data collection must be fully justified for the reasons that it is a necessary part in developing the final closure design.

NMED will not approve activities that do not support closure performance standard design criteria if closure activities take longer than 180 days to complete.

NMED reserves the right to deny closure in-place if the final capping design is determined to be inadequate.

I hope that the above information is helpful in your closure plan preparation for MDA-P. Please contact me or Marc Sides of my staff at (505) 827-4308 if you have any questions or if we can assist you further.

Sincerely,


Barbara Hoditschek, RCRA Program Manager
Hazardous and Radioactive Materials Bureau