



GARY E. JOHNSON
GOVERNOR

January 5, 1996

Joseph C. Vozella
Assistant Area Manager
Los Alamos Area Office
Los Alamos, New Mexico

Dear Mr. Vozella:

This letter serves to clarify an apparent misunderstanding presented within a December 1, 1995 letter from the Department of Energy (DOE)/Los Alamos National Laboratory (LANL) to Ms. Barbara Hoditschek and Mr. Ronald Kern, regarding a meeting held on October 31, 1995 between the DOE/LANL and the Hazardous and Radioactive Materials Bureau (HRMB). HRMB considered the meeting as very positive and appreciates DOE's cooperation and commitment to resolve issues concerning ground-water monitoring requirements at RCRA sites at LANL.

NMED would like to clarify the apparent misunderstanding which was conveyed within item #2 of the letter. NMED has not currently completed reviews of LANL-submitted closure plans at TA-16 Area-P, and TA-53 and TA-35-85 surface impoundments and cannot presume that these closures will result in clean closure demonstrations by removal. These determinations are pending reviews of sampling and analysis plans, analytical results, and appropriate application of data to demonstrate the clean closure performance standards. Clean closure certification under the regulations is only achievable if the data indicate that all hazardous constituent releases from the unit have been adequately characterized and if hazardous waste residues have been removed to the extent necessary to protect human health and the environment. The investigation of ground water releases or other potentially contaminated media or areas related to any RCRA unit when attempting to demonstrate clean closure equivalency is integral to clean closure under the regulations.

HRMB agrees that DOE/LANL could address potential impact to ground water through the closure process and, where appropriate, soil data might be used in lieu of sampling ground water. However, based upon soil data and surface water data, significant releases to the environment have occurred at some of the above-mentioned sites. The extent of contamination needs to be characterized at these sites and, therefore, the referenced EPA Policy Directive #9476.00-18 does not apply in those instances of significant contaminant releases. NMED agrees with DOE/LANL's statement that, "Once adequate information has been provided to demonstrate successful closure by removal, no ground water sampling

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activities specific to these units would be required" (see 270.1[c]). However, it should be explicitly stated that ground-water monitoring may still be required under the closure process to investigate the extent of any release from a RCRA-regulated unit.

Thank for your attention in this matter. If you should have any questions or comments please contact either Ronald Kern for technical concerns or Barbara Hoditschek for permitting concerns at 827-1558 or 827-1561.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

cc: Barbara Hoditschek, RCRA Permitting Program Manager
Ronald Kern, RCRA Technical Compliance Program Manager
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