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RON CURRY
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 30, 2003

Mr. G. Pete Nanos, Interim Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. David Gregory, Project Manager
Office of Los Alamos Site Operations
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

**SUBJECT: REVISED DOCUMENT SUBMITTAL SCHEDULE FOR MATERIAL
DISPOSAL AREA P CLOSURE DEMONSTRATION
LOS ALAMOS NATIONAL LABORATORY EPA ID# NM0890010515
HWB-FACILITY-02-007**

Dear Messrs. Nanos and Gregory:

The New Mexico Environment Department (NMED) is in receipt of your document entitled "Material Disposal Area P Closure Certification Report, Material Disposal Area P, 387 Flash Pad, and SWMU 16-016(c)-99, Volume 1" dated January 2003 and referenced by LA-UR-02-7819 (ER2002-0773). NMED conducted a review of the document, and subsequently met with Department of Energy and Los Alamos National Laboratory (collectively, the Permittees) staff on April 23, 2003 to discuss our concerns. During the meeting, proposed revisions to the Material Disposal Area (MDA) P Closure Certification Report (Report) and a proposed schedule for document submittal were discussed. NMED has determined that the Report must be reformatted as outlined in this letter and resubmitted to NMED for review following the schedule imposed in this letter.

For purposes of closure, the "MDA P Area" includes: the interim status regulated unit MDA P (SWMU 16-018); the interim status regulated unit 387 flash pad [SWMU 16-010(b)]; and



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consolidated solid waste management unit 16-016(c)-99 [SWMUs 16-010(a), 16-016(c), and 16-006(e)]. The MDA P Area, redefined from a landfill to a waste pile for the purpose of closure activities, is undergoing closure by removal and decontamination in accordance with an approved closure plan. If properly executed, this will work to meet clean closure equivalency requirements pursuant to New Mexico Hazardous Waste Management Regulations 20.4.1.900 NMAC (incorporating 40 C.F.R. 270.1 (c)(5) and (6)). The plan satisfies the general facility closure requirements of 20.4.1.600 NMAC (incorporating 40 C.F.R. 265.111).

The Report contains a Phase I Completion Report as Annex I; a Phase II Completion report as Annex II; and a Voluntary Corrective Action (VCA) Completion Report as Annex III. The main text of the Report contains only summary information, relying on detailed information in the Annexes to support the clean closure equivalency. The result is that the Report *in toto* is confusing, does not adequately demonstrate that clean closure equivalency has been achieved, does not provide sufficient information to support the recommendation that closure or post-closure care are not required, and does not clearly demonstrate that groundwater monitoring should not be conducted as part of post-closure care for the site. NMED therefore requires the aforementioned annexes be augmented to address these concerns, and resubmitted to NMED individually for review and approval in accordance with the following schedule:

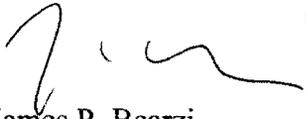
- Phase I Completion Report for MDA P Area on or before June 27, 2003;
- Phase II Completion Report for MDA P Area on or before July 25, 2003; and
- Voluntary Corrective Action Completion Report for consolidated solid waste management unit (SWMU) 16-016(c)-99 on or before August 29, 2003.

Once the above documents have been deemed acceptable by NMED, the Permittees must submit a revised Report for the MDA P Area on or before October 31, 2003. The revised Report must clearly demonstrate that clean closure equivalency has been achieved for the MDA P Area and, if the Permittees assert that groundwater monitoring is not required, must demonstrate the requirements of 20.4.1.500 (incorporating 40 C.F.R. 264.258) have been met. The Permittees must also include a request for a determination by NMED that the requirements of 40 C.F.R. Part 264 *Closure by removal* have been satisfied. If NMED intends to approve the Permittees' request for an equivalency determination, NMED will provide public notice in accordance with NMAC 20.1.4.900 (incorporating 40 C.F.R. 270.1(c)(6)). Prior to a final determination should NMED determine that the Permittees have not achieved closure in accordance with Part 264, the Permittees are subject to the post-closure care permitting requirements at 20.4.1.900 NMAC (incorporating 40 C.F.R. 270.1 (c)(6)(iii)).

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If you have any questions regarding this letter, please contact Vickie Maranville of my staff at 428-2546.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
J. Kieling, NMED HWB
V. Maranville, NMED HWB
J. Davis, NMED SWQB
J. Parker, NMED DOE OB
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L. King, EPA Region 6 (6PD-N)
D. McInroy, LANL RRES/ER, MS M992
B. Ramsey, LANL RRES/ER, MS M992
N. Quintana, LANL RRES/ER, MS M992
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