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Certified Mail-Return Receipt Requested

June 24, 1994

Mr. Earl Bean, Area Manager
Los Alamos Area office
Department of Energy
528 35th Street
Los Alamos, New Mexico 87544-5000

RE: TA-35 TSL-85 Surface Impoundment: Approval for Extension to
Items in the May 5, 1994 Notice of Deficiency (NOD)

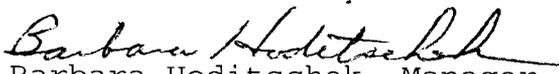
Dear Mr. Bean:

Response to the New Mexico Environment Department's (NMED) May 5, NOD has been received and is currently being reviewed for adequacy. The NOD response letter states that extensions will be necessary for responding to items numbers 2, 3 and 4 (see attachment). Items 2 and 3 request written documentation of background constituent concentrations noted in the closure plan, and item 4 calls for a discussion on the remediation of dielectric oil potentially mixed in soils with hazardous constituents. A 30-day extension is hereby granted for providing verification of background samples addressed by items 2 and 3, and a 60-day extension is hereby granted for presenting a written plan with remedial options. Both extensions shall have the start date of the June 8, 1994, the date of which you submitted your written request.

Your response to the two deficient items noted above are expected to be submitted to our office on July 8, 1994 and August 8, 1994 respectively. Failure to submit the requested information in the time designated may result in the issuance of a compliance order with associated fines.

Any questions about the NOD may be directed to Tom Tatkin or Lee Winn at 827-4308.

Sincerely,


Barbara Hoditschek, Manager

RCRA Permits Program
Hazardous & Radioactive Materials Bureau

Attachment

cc: David McInroy, LANL
File Red, '94



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NOTED DEFICIENCIES IN THE DOCUMENT: *Amendment to the Closure Plan for the Technical Area 35, TSL-85 Surface Impoundment, October 1993*

Items are referenced by item number, document section, page and paragraph if applicable. All language taken directly from the reviewed document is represented in bold lettering. Regulatory authority for requesting the following information is New Mexico Hazardous Waste Regulations (HWMR-7), Part V, §264.112(b)(4).

Item Section and Comment

2. Section 2.0, Response to *NMED's Reason for Disapproval, page 2-2, paragraph 3.* **"However, a comparison of beryllium concentrations detected at sample locations 85PL-1 through 85PL-12 (Table 2-1), with background levels for beryllium (Table 2-3) shows that the beryllium concentrations are all below background levels."**

In order to verify that beryllium concentrations are below background levels, the Table 2-3 reference to background study reports must be provided to NMED for review and approval. Submittal of these documents must be separated from the Closure Plan or an amendment to the Plan. Unless the method and procedure used to make the background determination are acceptable, NMED will not agree with the findings in the above comparison.

3. Section 2.0, Response to *NMED's Reason of Closure Plan Disapproval, page 2-2 through 2-3, paragraph 4.* **"Background levels for beryllium are documented in the report entitled *Sigma Mesa: Background Elemental Concentrations in Soil and Vegetation* (Ferenbaugh et al., 1979) (Appendix B) and the study *Preliminary Background Elemental Concentrations in Bandelier Tuff and Selected Soil Series* (Longmire et al., November 11993). The study by Longmire et al., (1993) will be completed in November 1993; Attachment 2-1 of this amendment provides a telephone log with summaries of the background concentration data determined by Longmire et al. for antimony, beryllium and selenium."**

The documentation for Attachment 2-1 and Appendix B, referred to above, must be reviewed and approved by NMED, as a separate document submittal, prior to being acceptable for the support of establishing background values. If it is the desire of LANL to pursue the establishment of background values, provide all materials necessary for NMED to validate the documented hypothesis.

In addition to the report itself, the following information are examples of concerns which may be addressed in the background investigation:

- a. Describe the geographical location of the Sigma Mesa relative to the TA 35, TSL-85 surface impoundment.
- b. Report the detection limits for the metals that were analyzed, and indicate whether these limits were below the calculated screening action levels.
- c. Provided a demonstration to show that sample sites were not previously contaminated. Stratigraphic cross-sections need to be provided to show that samples for background represent the same stratigraphic layer and soil type as the unit being investigated.

RFI Guidance: Volume II of IV, *Soil, Groundwater, and Subsurface Gas Releases*, EPA 530/SW-89-031, May 1989, OSWER Directive 9502.00-6D, page 9-44 states: "Background soil samples should be taken from areas that are not near a suspected source of contamination and from the same stratigraphic layer as the study area samples, if possible."

4. Section 2.0, Response to *NMED's Reason of Closure Plan Disapproval*, page 2- 2-3, paragraph 3. **"The presence of nonhazardous dielectric waste oil in the soils appears to have interfered with the SVOC analyses for the soils, resulting in samples with elevated LOQs."**

Remediation of the dielectric oil is necessary for the following reasons:

- o Inability to accurately determine the presence of semivolatiles as a result of the masking affect from the dielectric waste oil;
- o The presence of waste oil in the soil indicates that a leak occurred under the surface impoundment; and
- o Hazardous waste constituents were part of the over all waste stream generated at the surface impoundment.