

TA-48



GARY E. JOHNSON  
GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**

*Hazardous Waste Bureau*  
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JOHN R. D'ANTONIO, JR.  
SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

December 18, 2002

Dr. John C. Browne, Director  
Los Alamos National Laboratory  
P.O. Box 1663, Mail Stop A100  
Los Alamos, New Mexico 87545

Mr. Everett Trollinger, Project Manager  
Department of Energy  
Office of Los Alamos Site Operations  
528 35<sup>th</sup> Street, Mail Stop A316  
Los Alamos, New Mexico 87544

**SUBJECT: NEWLY IDENTIFIED SWMU AT TECHNICAL AREA 48  
LOS ALAMOS NATIONAL LABORATORY, NM0890010515**

Dear Dr. Browne and Mr. Trollinger:

On August 8, 2002 the New Mexico Environment Department (NMED) was notified by the Department of Energy and Los Alamos National Laboratory (the Permittees) of a release of several organic compounds (ethyl- and methyl-benzene compounds and naphthalene) near building TA-48-1 at Technical Area 48. This release was discovered during trenching operations in the area. In an October 4, 2002 letter (ER2002-0716), the Permittees responded to an NMED September 3, 2002 letter about the possible source of the contamination being from nearby Areas of Concern (AOCs) and demonstrated that these AOCs were not the source of contamination. Additionally, the Permittees could not find "a source indicating routine and systematic releases" nor could the Permittees determine conclusively that this contamination was a result of a one-time spill.

The Permittees proposed this site as an AOC and to close the site under the New Mexico Water Quality Control Commission (NMWQCC) regulations (20 NMAC 6.2) for spills. In a December 2, 2002 e-mail to David Gregory of the Department of Energy, the Permittees were informed that the NMED Surface Water Quality Bureau had deferred to the NMED Hazardous Waste Bureau for the investigation and remediation of this site.



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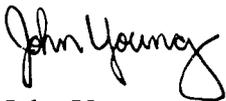
NMED has regulatory authority in making the determination as to whether a site contaminated with hazardous constituents is a solid waste management unit (SWMU). According to the Permittees' Resource Conservation and Recovery Act (RCRA) permit all releases, spills and leaks require immediate cleanup. Because this contamination was found beneath an asphalt pad it is evident that the requirement for immediate cleanup was not met.

Since the Permittees have demonstrated that the site is not associated with other nearby SWMUs or AOCs and because of the presence of RCRA constituents, the site is now considered to be a newly identified SWMU. The Permittees shall follow the requirements for newly identified SWMUs described in Module VIII, Section G of the RCRA permit. NMED is waiving the requirements for the approval of the SWMU Assessment Plan because remediation was conducted concurrently with the investigation to determine the source of contamination. The Permittees shall submit the SWMU Assessment Report and follow the requirements for the SWMU Assessment Report as outlined in Module VIII, Section G.5 of the RCRA permit. The Permittees shall submit a SWMU Assessment Report for this site to NMED within 30 days of receipt of this letter.

Based on the review of the SWMU Assessment Report NMED shall either approve the Report or determine the need for further investigations or corrective measures.

If you have any questions, please contact Lee Winn at (505) 428-2541.

Sincerely,



John Young  
LANL Corrective Action Project Leader  
Permits Management Program

JRY:lw

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cc w/ attachment:

D. Cobrain, NMED HWB  
L. Winn, NMED HWB  
J. Davis, NMED SWQB  
B. Lucas, NMED SWQB  
J. Parker, NMED DOE OB  
S. Yanicak, NMED DOE OB, MS J993  
L. King, EPA 6PD-N  
J. Vozella, DOE OLASO, MS A316  
D. McInroy, LANL RRES/R, MS M992  
N. Quintana, LANL RRES/R, MS M992  
B. Ramsey, LANL RRES/DO, MS J591  
D. Stavert, LANL RRES/DO, MS J591  
M. Saladen, LANL RRES/WQH, MS K497  
file: Reading and HSWA LANL TA [Associated SWMUs 48-002(c) & TA 48-002(e)]