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Date: March 17, 2008  
Refer To: ENV-RCRA-08-052

Mr. Steve Pullen  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303



Dear Mr. Pullen:

**SUBJECT: RESPONSE TO REQUEST FOR INFORMATION CONCERNING TA-50-1-60A**

The purpose of this letter is to respond to your email request of February 20, 2008. Your request is in bold font below with our response in the following paragraphs.

**Regarding the cementation treatment unit at TA-50, Building 1, Room 60A, a November 28, 2000 LANL correspondence states the unit was converted to a <90-day generator unit. Did this unit ever complete closure prior to its transformation? If not it should have and we may require such. What is the current status of this unit?**

The unit's current status is operational and it is being used in its capacity as a <90-day storage unit for generator treatment. This unit has not completed closure nor started closure activities for the reasons discussed below.

LANL staff member Jack Ellvinger had several discussions with Steve Jetter and Carl Will, New Mexico Environment Department Hazardous Waste Bureau (NMED HWB), on converting the TA-50-1-60A cementation unit to treatment in a <90-day storage unit prior to Los Alamos National Laboratory's (LANL's) submittal of the letter you cite. Mr. Ellvinger provided information that this unit was conservatively listed as an interim status treatment unit when LANL made its notification of hazardous waste activity for its mixed waste units. It was discussed how the unit was operated (it had always functioned within the parameters provided for a <90-day storage area used for generator treatment). Mr. Will discussed the issue with John Kieling to determine the viability of Mr. Ellvinger's proposal.

On November 17, 2000, Mr. Will and Mr. Ellvinger discussed by telephone the form the notification was to take after he received internal concurrence on this issue. Mr. Will provided Mr. Ellvinger with guidance on how to proceed resulting in the letter cited above.



In that letter Mr. Ellvinger notified the HWB that LANL would be converting its cementation treatment process at TA-50-1-60A to a < 90-day storage site for generator treatment.

In support of LANL's proposal to change this unit from interim status to a < 90-day unit, Mr. Ellvinger provided the EPA FAXBACK #13774 and section 6.3.12 of McCoy's "RCRA Unraveled." Both of these documents relate that a facility may convert an interim status or permitted site to a satellite accumulation area or < 90-day site. In doing so the closure provision is not triggered since the unit has not received its final volume of hazardous waste. The unit is still subject to the closure provisions but only after it discontinues receiving hazardous waste. The most recent interim status closure plan for the unit was also included with the "Los Alamos National Laboratory Technical Area 50 Part B Permit Renewal Application, Revision 1.0," submitted to the HWB on January 14, 2000.

In the case of the conversion of a permitted unit, a permit modification is required. But in the case of conversion of an interim status unit (such as this) only a notification to the regulating body must take place. In discussions with Steve Jetter and Carl Will, Mr. Ellvinger was told that a letter of notification stating LANL's intent was sufficient. He was also asked to include a statement that the operators would follow the requirements for operating a < 90-day storage site for generator treatment. The final step was that the Part A had to be changed at the next revision to reflect the deletion of this unit from interim status (this deletion was made in the 2002 revision of the LANL Part A). All of these provisions were noted in the letter and carried out.

This information should address your concerns. If you have further questions please contact Jack Ellvinger at (505) 667-0633.

Sincerely,



Anthony R. Grieggs  
Group Leader  
ENV-RCRA Group

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