



State of New Mexico  
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August 23, 1991

Bob Gilkeson, Assistant Project Leader  
Los Alamos National Laboratories  
EM-13, MS K481  
Los Alamos, New Mexico 87545

RE: Informal Review of Draft Chapter 1 to the TA-51/54 RFI Work Plan

Dear Mr. Gilkeson:

On August 21, 1991 the New Mexico Environment Department (NMED) received your request for informal comments on the subject document. We have conducted a preliminary review of the draft you provided. Our initial comments on the concept of the proposed approach on integrating interim status closures with HSWA corrective actions are enclosed. NMED reserves the right to formally comment on the technical merits of the document when it is officially submitted. We appreciate the opportunity to provide our input on the philosophy of the Los Alamos National Laboratory's approach.

Please contact me or Herb Grover of my staff at (505) 827-2929 if you have any questions on the enclosed comments.

Sincerely yours,

Edward L. Herst, Program Manager  
Hazardous and Radioactive Waste Bureau

Enclosure

cc: William K. Honker, US EPA Region 6, (6H-P)

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HSWA LAM 705, corrected by TALS-54  
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## CHAPTER 1 OF TA-51/54 RFI WORKPLAN

1. Section 1.3., first paragraph, last sentence: The components of the TA-54/51 Workplan which are enforceable by NMED under the State's RCRA closure authority are those components of the Workplan which pertain only to the 40 CFR 265 interim status closure units at TA-51/54. Since the State is not authorized by EPA to administer HSWA requirements for SWMU's, we can not enforce HSWA requirements under the State authorized program at this time. The State may enforce corrective action requirements for SWMU's under State law. The State has authority to approve and enforce requirements only for portions of the Workplan pertaining to the interim status closing units.
2. Section 1.3.2., second paragraph: The NMED and EPA staffs have extensively discussed internal coordination of situations where RCRA interim status requirements overlap with HSWA corrective action requirements. EPA is in full support of the NMED program for processing closure plan approvals for interim status units. Closure plan approvals and post closure permits for environmentally significant units are indeed a high priority for EPA. Closure schedules for interim status units and clean-up schedules for SWMUs differ from a practical stand point because facilities such as LANL were to improve waste management practices for interim status units over the practices which were considered acceptable for SWMUs prior to 1980. For this reason more specific requirements and schedules under RCRA apply to interim status units operated after 1980. LANL conscientiously made the decision to operate certain units at TA-54/51 which made them subject to the more stringent interim status closure requirements. This decision made by LANL has resulted in the dual regulatory authority. EPA and NMED are committed to applying the HSWA permit corrective action requirements and the RCRA interim status requirements in a consistent manner at LANL. EPA and NMED are in agreement that interim status closure requirements and schedules may be the impetus for the HSWA corrective action requirements and schedule associated with those units. NMED agrees, as LANL has suggested, that the clean-up approach taken at TA-51/54 should be an integrated, consistent, sensible plan which meets both RCRA requirements and HSWA requirements.
3. Table 1-1: LANL must ensure that all interim status closure requirements are clearly identified in the TA-51/54 Workplan for the interim status units which will expedite review and approval of the closure plan.
4. Section 1.5.3., first paragraph: The RFI for TAs 51 and 54

must also be conducted consistently with interim status closure requirements and the NMED approved closure plan for the applicable units.

5. Section 1.6.: LANL should consider including a section which specifically addresses all interim status closure requirements under 40 CFR 265 for the interim status units at TAs 51 and 54.