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August 17, 1992

Mr Jerry L, Bellows, Area Manager
Los Alamos Area Office
Department of Energy
528 35th Street
Los Alamos, New Mexico 87544-5000

RE: Interim Status Units in RFI Workplan for Operable Unit 1148

Dear Mr. Bellows:

The Hazardous and Radioactive Materials Bureau (HRMB) received the Department of Energy/Los Alamos National Laboratories (DOE/LANL) RFI Workplan for Operable Unit 1148 dated May 1992. This Operable Unit is of particular interest to the HRMB because it contains twenty-five (25) impoundments and shafts identified on Table 5.3-2, page #5-106, which are interim status units subject to the State closure requirements of the New Mexico Hazardous Waste Management Regulations (HWMR-6), Part VI, Section 40 CFR 265 Subpart G. The TA-54 Waste Oil Storage Tanks are also located in Operable Unit 1148. All of these interim status units will need a closure plan approved by the New Mexico Environment Department (NMED) in addition to any investigations, studies, remediations, or other actions that are required by the Environmental Protection Agency (EPA) under Federal permit authority for Operable Unit 1148.

On August 23, 1991 we sent informal comments to Los Alamos National Laboratory on a draft of Chapter 1 of the TA-51/54 RFI Workplan which they supplied to our office. This letter is to clarify our position on the coordination of corrective action and RCRA closure requirements as outlined in our August 23, 1991 letter.

The NMED recently approved a closure plan for the TA-54 Waste Oil Storage Tanks. The plan calls for additional soil sampling to confirm clean closure of the tank units. We approved the schedule for this sampling to coincide with DOE/LANL's schedule for conducting investigations of solid waste managements units (SWMUs) at the site because the waste oil storage tanks are "nested" in a group of SWMUs. Active hazardous waste management operations are also being conducted in the area where the tanks were formerly located. From a practical and technical standpoint, in this situation, it is prudent to conduct the closure work at the same time as the corrective action work.

Although in specific circumstances NMED can allow DOE/LANL to schedule closure work at the same time as corrective action work,

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we are concerned that DOE/LANL considers the RFI Workplan to also serve as a closure modification for the interim status units. This is described on pages #1-10 and #1-11 of the RFI Workplan. On the contrary, the RFI Workplan can not be considered a closure plan modification because interim status units are required to have closure plans according to HWMR-6, Part VI, Section 40 CFR 265.112. The RFI Workplan is a document required by the Hazardous and Solid Waste Amendments of 1984 (HSWA) permit issued under EPA authority. The HSWA permit is based on EPA's regulations in 40 CFR 264.101 and on EPA guidance and policy. The State does not have authorization from EPA to approve documents required by the HSWA permit at this time, even if the regulations allowed closure plans to be integrated into RFI Workplans.

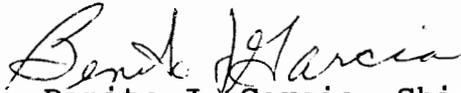
We understand that Operable Unit 1148 is a complex site because SWMUs and interim status units are in close proximity and potential releases from both types of units may be commingled. In situations where DOE/LANL demonstrates that investigations or remediations for SWMUs and interim status units can not be separated NMED can consider allowing the facility to schedule closure work with corrective action work. These circumstances do not relieve DOE/LANL from addressing closure requirements separately in a stand-alone closure plan. Regulations require that NMED include all applicable closure requirements in approved closure plans.

The soil sampling plan that we approved for the TA-54 Waste Oil Storage Tanks is not found in the RFI Workplan for Operable Unit 1148. Table 1.2-5 on page #1-19 of the RFI Workplan for Operable Unit 1148 states that even minimum closure requirements will not be completely addressed until the Corrective Measures Study phase of the HSWA Corrective Action work is done. DOE/LANL may consider addressing interim status closure requirements in the RFI Workplan for Operable Unit 1148 to assist in accomplishing sampling and other field activities to meet both the closure regulations for the interim status units and the HSWA permit requirements for the SWMU's. However, we are not able to review and approve the technical merits of a RFI Workplan for compliance with interim status closure requirements.

Although NMED is not pursuing approval of closure plans at this time for the other interim status units at Operable Unit 1148 where SWMUs and interim status units releases can not be differentiated and DOE/LANL is actively investigating the area under the HSWA permit provisions, DOE/LANL must maintain written closure plans for the interim status units. Until final closure is completed and certified in accordance with HWMR-6, Part VI, Section 40 CFR 265.115 a copy of the most current closure plan must be furnished to the Secretary of the NMED upon request, including request by mail. NMED will consider requesting the closure plans for the interim status units and processing those plans when the Corrective Measures Study for Operable Unit 1148 is being developed.

I hope that this information is helpful for your operations and helps to clarify our position on interim status closure plans requirements. Please contact Mr. Marc Sides of my staff at (505) 827-4358 if you have any questions.

Sincerely,



Benito J. Garcia, Chief
Hazardous and Radioactive Materials Bureau

cc: William K. Honker US EPA, Region 6