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Date: March 18, 1999
Refer to: EM/ER:99-057

Dr. Robert S. Dinwiddie
NMED-HRMB
P.O. Box 26110
Santa Fe, NM 87502

SUBJECT: RSI RESPONSE FOR TA-53 WP/SAP and SAP ADDENDUM [(PRSS 53-002 (a, b) and 53-006(a-e))]

Dear Dr. Dinwiddie:

This letter and enclosures comprise the Los Alamos National Laboratory (LANL) Environmental Restoration (ER) Project's response to the request for supplemental information (RSI) for the Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI) Work Plan (WP)/Sampling and Analysis Plan (SAP) for Technical Area (TA)-53 Surface Impoundments, and the TA-53 SAP Addendum. The WP/SAP and SAP Addendum address Potential Release Sites (PRSS) 53-002(a, b) and 53-006(a-e), respectively. The RSI was received at the ER Project Office on December 21, 1998 and a 45-day extension was approved by the New Mexico Environment Department Hazardous and Radioactive Materials Bureau (NMED-HRMB) on February 2, 1999.

Enclosure 1 responds to the individual RSI comments made by NMED-HRMB. These comments were clarified and draft responses were discussed with John Kieling, John Young, and Lee Winn of your staff on January 13, 1999. LANL would like to thank Mr. Kieling, Mr. Young, and Ms. Winn for taking the time to meet with ER Project staff and discuss the NMED's comments. We believe that because of that meeting, LANL has been able to efficiently and appropriately provide the additional information NMED-HRMB seeks.

The RSI also appears to present additional questions regarding the current regulatory status of the impoundments. These issues were discussed in detail with you and your staff at the LANL ER/NMED-HRMB monthly meeting on January 22, 1999. The remainder of this letter outlines LANL's understanding of the regulatory status of the TA-53 impoundments as well as a summary of the phased approach that is proposed to characterize and investigate PRSS 53-002(a, b) and 53-006(a-e).

It is our understanding that the TA-53 impoundments have been changed from RCRA



xV

Handwritten notes: HSWA LANL 2/11/99/53

Treatment, Storage, and Disposal (TSD) Units to Corrective Action (CA) Units addressed by the Hazardous and Solid Waste Amendments (HSWA) of RCRA. Your letter to DOE/LANL dated July 21, 1997, stated that "a change in status of the three Surface Impoundments at TA-53 from a Treatment, Storage, Disposal (TSD) Unit to a Corrective Action Status under the Hazardous and Solid Waste Act (HSWA) has been approved" (Enclosure 2). We believe that this understanding has been firmly established with NMED throughout an extensive hazardous waste determination process, which is substantiated through verbal discussions as well as supporting correspondence. The following discussion is a summary of our understanding of the activities that lead to NMED-HRMB's approval of the change in status of the TA-53 impoundments from RCRA TSD Units to HSWA CA Units.

The impoundments were "protectively" included in LANL's RCRA Hazardous Waste Permit Application based on the presence of hazardous constituents; the Part A was submitted in January 1991 and the Part B was submitted in July 1991. In November 1991, initial discussions with NMED were held regarding the possibility that the hazardous constituents present in the impoundments may not have originated from hazardous waste. This is consistent with the clarification within the Environmental Protection Agency's (EPA) final rule, which states that wastes are not presumed to be hazardous under RCRA merely because they contain hazardous constituents. See, 57 Fed. Reg. 12, January 2, 1992. On January 15, 1992 LANL forwarded a letter to NMED to follow-up on the initial meeting discussions (Enclosure 2).

In order to make a waste determination regarding the materials within the impoundments, LANL embarked on an extensive process to objectively review the operational processes and past and present waste management practices associated with the generation of wastes discharged to the impoundments. These activities were consistent with EPA's rule regarding hazardous waste determinations. See, 47 Fed. Reg. 12727, February 26, 1980 and 48 Fed. Reg. 2519, January 19, 1983. The results of this exhaustive review of information determined that the wastes discharged to the impoundments did not originate from listed hazardous waste. In addition sampling and analysis of the contents of the impoundments verified that they did not contain characteristic hazardous waste. This information was shared and discussed with NMED at the April 15, 1997 monthly meeting, where it was decided to remove the three impoundments at TA-53 from TSD status to CA status. On May 19, 1997, LANL forwarded a letter (Enclosure 2) to NMED to confirm the change in status. NMED officially approved the change in status of the TA-53 impoundments in the July 21, 1997 letter referenced above.

In response to the change in regulatory status, we prepared and submitted the TA-53 WP/SAP and SAP Addendum for the impoundments and the tanks, respectively. These documents are the appropriate regulatory documents to be submitted to NMED under HSWA. This is supported by the statement in your July 21, 1997 letter that "a closure plan for the impoundments is no longer necessary."

The TA-53 RFI Work Plan/SAP and SAP Addendum present the phased approach that

LANL intends to implement to investigate the impoundments and tanks under HSWA. The ER Project believes this approach is appropriate and consistent with the requirements of HSWA Corrective Action. Additionally, we believe our phased risk-based approach is equivalent to that which would be required to demonstrate clean closure of interim status surface impoundments.

The phased RFI approach proposed for the impoundments involves sampling the sludge to fill in data gaps associated with the source term and sampling the liner materials and subsurface environment to an initial predetermined depth of 12 feet below the impoundments (extended to 15 feet in the RSI response) to determine whether a release of hazardous constituents has occurred. Similarly for the tanks, the phased RFI approach proposed involves sampling the subsurface environment adjacent to and 10 feet below the tanks to determine whether a release of hazardous constituents has occurred. If a release or releases associated with any of the PRSs have occurred, then another phase of the RFI may be necessary if nature and extent have not been captured during the initial phase. Once nature and extent have been determined, then all of the data will be evaluated and assessed (according to the Risk-Based Decision Tree) to determine an appropriate course of corrective action, if necessary. This approach was extensively discussed in the January 13, 1999 meeting with your staff.

LANL looks forward to a continuing dialog pertaining to identifying appropriate remediation strategy for these units that is both protective to human health and the environment

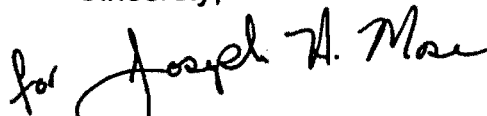
If you have any questions, please call Dave McInroy at (505) 667-0819 or Joe Mose at (505) 667-5808.

Sincerely,



Julie A. Canepa, Program Manager
LANL/ER Project

Sincerely,



Theodore J. Taylor, Program Manager
DOE/LAO

JC/TT/VR/dm

Dr. Robert S. Dinwiddie
EM/ER:99-057

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March 18, 1999

Enclosures: (1) RSI Response
(2) Correspondence

Cy (w/enc.):

M. Buksa, EM/ER, MS M992

J. Mose, LAAO, MS A316

D. Neleigh, EPA, R.6, 6PD-N

~~J. Kieling, NMED~~

EM/ER File (CT# C619), MS M992

RPF, MS M707

Cy (w/o enc.):

M. Kirsch, EM/ER, MS M992

D. McInroy, EM/ER, MS M992

W. Neff, CST-7, MS M992

J. Plum, LAAO, MS A316

V. Rhodes, EM/ER, MS M992

J. White, ESH-19, MS K490

J. Parker, NMED-AIP

S. Yanicak, NMED-AIP, MS J993

EM/ER File, MS M992

Tracker, RM 604, MS M992

ENCLOSURE 1

Response to RSI Comments and Attachments A through I