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**Department of Energy**  
Los Alamos Area Office

**Los Alamos National Laboratory**

**MAR 26 1998**

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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Dear Dr. Dinwiddie:

Subject: Material Disposal Area J, Resource Conservation and Recovery Act (RCRA) Closure Plan and Post-Closure Care Plan, Technical Area (TA) 54, Los Alamos National Laboratory (LANL)

The purpose of this letter is to confirm our verbal agreement for an extension of time to respond to the New Mexico Environment Department's (NMED) request for a Closure and Post-Closure Care Plan for LANL TA-54, Material Disposal Area (MDA) J. We have agreed that a response will be submitted to NMED on or before May 8, 1998. This will allow additional time to review all records in the TA-54, MDA-J database to assure a complete response is provided regarding the waste managed in this facility.

In letters dated February 6, 1997, regarding TA-54, MDA-H, -L, and -J, NMED requested that the U. S. Department of Energy (DOE)/LANL submit either a Part B Permit Application for operation of these facilities or a Closure and Post-Closure Plan under NMED's hazardous waste rules for Interim Status units. During our regularly scheduled monthly meetings during 1997 where waste management issues are discussed, we reviewed NMED's request for information to clarify the information needed. Additionally, we also discussed the belief that Closure Plan submittals of November 1986 for the TA-54, MDA-H and -L facilities were adequate and that they had been provided to NMED. We provided a written response to NMED's request in our letter of September 8, 1997, that resubmitted these two documents. After review of the information submitted, NMED verbally requested during our January 22, 1997 meeting that we amend these documents by March 3, 1998, to reflect our current operations and future plans for remediation of these inactive facilities. These responses were provided to NMED March 3, 1998 and NMED is reportedly reviewing these documents.

During the May 10, 1997 monthly meeting with NMED, we discussed the possibility that hazardous waste had been disposed in TA-54, MDA-J. This facility, as was discussed, is currently operated as a solid waste facility and is properly registered with NMED's Solid Waste Bureau. Further, as we discussed, we will submit a permit application to operate this landfill as an Industrial Waste Landfill when requested. A landfill with this classification receives only waste classified as industrial waste, i.e., waste that cannot be disposed in a sanitary waste landfill. Hazardous waste is not an acceptable

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waste stream for such a facility and it is not to be disposed of in an Industrial Waste Landfill. On July 11 and September 4, 1997, we submitted information regarding the disposal of barium sands that have been subject to treatment to convert soluble barium compounds to insoluble barium sulfate prior to disposal and the management and disposal of empty containers that had previously held potentially hazardous substances which are disposed of per the requirements of 40 CFR 261.7(b). After reviewing this information, NMED provided documentation to us on January 22, 1998, that had been submitted by the Environmental Restoration (ER) Project on this facility that indicated additional suspect waste streams had been disposed in TA-54, MDA-J.

The individuals responsible for waste management were not aware that other documentation originating from LANL's ER Project had been provided to NMED during a peer review of our prior submittals to NMED regarding TA-54, MDA-J. NMED has agreed that we should have an opportunity to review this information and review any other factual information to either support or refute that provided in the ER document. During our February 24, 1998 meeting, we discussed the fact that in the process of reviewing the information available for TA-54, MDA-J, including the ER information provided by NMED, we had determined that the database for this facility would require a more extensive review to confirm the presence or absence of hazardous materials. We indicated that although we could address all of the concerns expressed in the ER document, additional review of the database records for TA-54, MDA-J is required to assure that no further information is overlooked. We indicated that this review would be completed on or before May 8, 1998. NMED has verbally agreed that this is acceptable and this letter is to confirm our understanding of this agreement.

It is our belief, based on the information currently available, that the results of the extensive inventory review will demonstrate that there is no significant basis for the determination that a RCRA Subpart C hazardous waste closure plan is necessary for all or parts of this solid waste landfill. The results of the inventory review will also be used to document that some suspect items identified in the aforementioned ER documentation were originally characterized as hazardous waste in error or in an overly conservative manner. The majority of the suspect waste items on the list you provided have been determined to be non-hazardous.

The remaining item is described as "electronic scrap." This description potentially includes the waste printed circuit boards described in our March 31, 1995 letter to both NMED's Hazardous Waste Bureau and the Solid Waste Bureau. It is our understanding, based on verbal discussions with these bureaus, that the printed circuit boards could be left in place and the facility continue to be operated as a solid waste facility to be permitted and operated as required by NMED's Solid Waste Regulations. The decision was based on the small relative volume of waste, the physical dangers of excavation, the risk to human safety due to other previously disposed materials that are believed dangerous, but which are not classified as hazardous waste, and the need for high security due to the presence of classified materials. Further, no intentional disposal of hazardous waste has been confirmed at TA-54, MDA-J. It was our understanding that these materials would be left in place, that we had self-reported this error in operations, and that the facility would continue to be operated as a solid waste landfill. It was further understood that although the circuit boards were considered hazardous due to the presence of lead, that solid waste landfill closure requirements were sufficient to provide protection of human health and the environment.

We are continuing our investigation to determine if hazardous waste items were inadvertently placed into portions of the TA-54, MDA-J. Should it be determined after review of the TA-54, MDA-J

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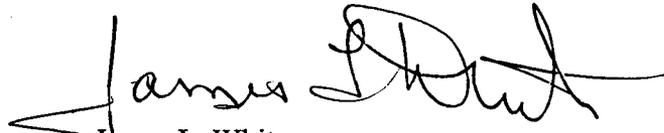
database that hazardous waste items were inadvertently placed into portions of the solid waste landfill, further investigation regarding the volume(s) and spatial distribution of these items is needed to identify the affected units of the landfill and to assess and to develop an appropriate management plan, up to and including a Closure Plan.

Should you have any questions about this matter, please contact either James White at (505) 665-0677 or Jody Plum at (505) 665-5042.



H. B. "Jody" Plum  
Office of Environment  
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Sincerely,



James L. White  
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LAAME:6JP-052

cc:

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