

TA-54

**ENVIRONMENTAL
RESTORATION
PROJECT**

Los Alamos National Laboratory/University of California
Environmental Science and Waste Technology (E)
Environmental Restoration (ER) Project, MS M992
Los Alamos, New Mexico 87545
(505) 667-0808/FAX (505) 665-4747



U.S. Department of Energy
Office of Los Alamos Site Operations, MS A316
Environmental Restoration Program
Los Alamos, New Mexico 87544
(505) 667-7203/FAX (505) 665-4504

Date: February 6, 2002
Refer to: ER2002-0095

James P. Bearzi, Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303



SUBJECT: CLARIFICATION ON DECEMBER 21, 2001 DETERMINATION OF INCOMPLETENESS FOR "CLOSURE PLAN FOR TECHNICAL AREA (TA) 54, MATERIAL DISPOSAL AREA (MDA) H," REVISION 1, MARCH 1988

Dear Mr. Young:

The Los Alamos National Laboratory (LANL) Environmental Restoration (ER) Project is requesting clarification regarding the New Mexico Environment Department Hazardous Waste Bureau's (NMED-HWB) "Determination of Incompleteness For: 4) Closure Plan for TA 54, MDA H (Revision 1), March 1998," cited in your letter dated December 21, 2001, (HWB-LANL-99-050). The second, third and fourth paragraphs of your letter describe deficiencies (associated primarily with requirements of 40 CFR Part 264, Subparts G and F) identified by NMED-HWB in the closure and post-closure plans (Plans) submitted by LANL for MDA H (as well as in the Plans for MDAs G and L). The letter requests that the deficiencies be addressed in revised Plans. However, the fifth paragraph of the letter indicates that for MDA H, "compliance with 40 CFR Part 264, Subparts F and G requirements may be demonstrated under 40 CFR Part 264.101 corrective action procedures, such as Resource Conservation and Recovery Act (RCRA) Facility Investigation Reports (RFI) and Corrective Measures Studies (CMS)."

In accordance with the letter received from NMED-HWB on December 11, 2000, the LANL ER Project submitted a CMS plan for MDA H in March 2001 (LA-UR-01-1629). The CMS Plan for MDA H was subsequently approved by NMED-HWB on December 7, 2001, (HWB-LANL-01-002). In keeping with the schedule established by the MDA H High Performing Team (HPT) and requirements outlined in the MDA H CMS Plan and Module VIII of the Laboratory's Hazardous Waste Facility Permit, a corrective measures study has been implemented for MDA H and the draft CMS Report is in progress for submittal to NMED-HWB in June 2002. The Final CMS Report for MDA H



February 6, 2002

will describe, in detail, how the recommended corrective measure will meet the substantive requirements of Subparts F and G. Based on recent discussion with NMED-HWB staff serving on the MDA H HPT and our interpretation of your December 21, 2001 letter, it is our understanding that revised closure/post-closure care plans are therefore not required for MDA H. The LANL ER Project is requesting concurrence from NMED-HWB that this is the desired approach for MDA H.

We look forward to our staff's continued engagement in identifying and resolving all issues regarding MDA H. Please contact John Hopkins at (505) 667-9551 or Woody Woodworth at (505) 667-5820, if you have any questions.

Sincerely,



Julie A. Canepa, Program Manager
Environmental Restoration Project
Los Alamos National Laboratory

Sincerely,



Mat Johansen, Project Manager
Department of Energy
Los Alamos Area Office

JC/TT/PB/vn

Cy:

G. Bacigalupa, LANL ESH-19, MS K490
P. Bertino, E/ER, MS M992
J. Canepa, E/ER, MS M992
J. Elvinger, ESH-19, MS K490
M. Kirsch, E/ER, MS M992
D. McInroy, E/ER, MS M992
M. Johansen, OLASO, MS A316
W. Woodworth, DOE-AL, MS A906
D. Cobrain, NMED-HWB
E. Frank/N. Dhawan, NMED-HWB
J. Keiling, NMED-HWB
C. Will, NMED-HWB
J. Young, NMED-HWB
D. Neleigh, EPA Region 6
J. Parker, NMED-AIP
E/ER File, MS M992
IM-5, MS A150
RPF, MS M707