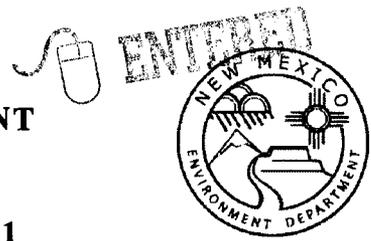




SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

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**NEW MEXICO
ENVIRONMENT DEPARTMENT**



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RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 7, 2015

Christine Gelles, Acting Manager
U.S. Department of Energy, NNSA
Los Alamos Field Office, DOE
3747 West Jemez Rd, MS A316
Los Alamos, NM 87544

Michael Brandt, Associate Director
Environment, Safety, Health
Los Alamos National Laboratory
P.O. Box 1663, MS K491
Los Alamos, NM 87545

**RE: RESPONSE TO SWMU ASSESSMENT REPORT REQUEST
DIESEL FUEL SPILL FROM AST 55-560
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-MISC**

Dear Ms. Gelles and Mr. Brandt:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (LANS) (collectively, the Permittees) document entitled *Response to Request for a SWMU Assessment Report for the Diesel Fuel Spill from AST 55-560 (Response)* dated December 16, 2014 and referenced by ENV-DO-14-0374/LAUR 14-29266.

A release of diesel fuel was discovered in January 2013 in the vicinity of aboveground storage tank (AST) 55-560 located south of the Radiological Laboratory Utility Office Building (RULOB) (building 55-400). The investigation and remediation work was performed under the direction of Petroleum Storage Tank Bureau (PSTB). The results of sampling indicated that residual contamination of total petroleum hydrocarbon diesel range organics (TPH-DRO) above NMED's industrial and residential guidelines remains at the site (e.g., TPH-DRO at 6500 mg/kg in the sample collected from a depth of 8-9 feet below ground surface in borehole 1).

37238



In accordance with Section V.C of the Consent Order, on October 16, 2014, NMED requested a solid waste management unit (SWMU) assessment report (SAR) that addresses the presence of residual contamination at levels greater than the NMED SSLs. The Response stated that “[D]OE/LANL do not believe a report is necessary because significant investigative and remediation work has already been performed, and reported on, pursuant to Petroleum Storage Tank Bureau (“PSTB”) direction under 20.5.12 NMAC. Further, a SWMU assessment report is not required under the March 1, 2005, Compliance Order on Consent (“Consent Order”).” On December 15, 2014, PSTB notified the Permittees that although the requirements of 20.5 NMAC had been satisfied, “[s]ince the contaminated soil remains under the foundation of the tank pit...PSTB refers the LPST site known as the Los Alamos National Laboratory TA-55 RLUOB Facility to the Hazardous Waste Bureau (HWB).”

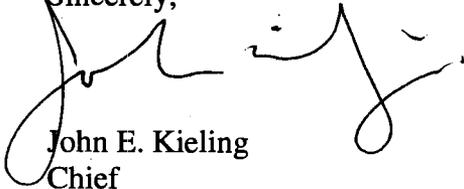
Based on the remedial activities performed and the information provided to date, the Permittees are not required to submit a SAR. HWB is not requiring any additional investigations or remediation at this time. However, it must be noted that there are no duplicative regulations because PSTB has referred the site to HWB due to the presence of residual contamination at this site. Because residual soil contamination at concentrations greater than applicable cleanup levels remains at depth after remediation activities were completed, the site must be added to Table K-2 (SWMUs and AOCs, Corrective Action Complete With Controls), of Attachment K of the RCRA Permit. The control for the site is industrial land use. In addition, the Permittees must address the residual contamination under the foundation of tank pit whenever, it becomes accessible.

Finally, the Permittees contend that the release at AST 55-560 does not meet the definition of a SWMU and is a one-time spill and not a routine and systematic release. NMED concurs with that assessment. Therefore, the Permittees must initiate a Class 1 Permit Modification to add this site as an Area of Concern (AOC 55-014) to Table K-2 of the Permit.

Ms. Gelles and Mr. Brandt
August 7, 2015
Page 3

Should you have any questions, please contact Neelam Dhawan of my staff at (505) 476-6042.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kieling". The signature is fluid and cursive, with a large initial "J" and "K".

John E. Kieling
Chief
Hazardous Waste Bureau

cc: K. Roberts, NMED RPD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
S. Yanicak, NMED DOE OB
J. Schoepner, NMED DOE OB
L. King, EPA 6PD-N
G. Turner, DOE-NA-LA, MS A316
R. Erickson, EP, MS K788
A. Grieggs, ENV-CAP, MS A992

File: Reading and LANL 2015 – Response SAR Request for TA-55, AST 55-560