

TA-73



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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PETER MAGGIORE
SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

June 26, 2002

Dr. John C. Browne, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. Everett Trollinger, Project Manager
Los Alamos Area Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

**RE: NOTIFICATION OF NON-COMPLIANCE WITH REMOVAL PLAN
SUBMITTAL DEADLINE REQUESTED EXTENSION OF TIME FOR
INVESTIGATION AND REMOVAL PLAN SUBMITTAL FOR SOLID WASTE
MANAGEMENT UNIT (SWMU) 73-001(a) AIRPORT LANDFILL DRAINAGE
DEBRIS REMOVAL
LOS ALAMOS NATIONAL LABORATORY NM0890010515
HWB-01-022**

Dear Dr. Browne and Mr. Trollinger:

The New Mexico Environment Department (NMED) notified Los Alamos National Laboratory (LANL) and the Department of Energy (DOE) on May 8, 2002 in a letter entitled "Los Alamos National Laboratory Drainage Debris Disposal Area Cleanup at the Airport Landfill Site [Solid Waste Management Unit 73-001(a)]," an investigation and removal plan for SWMU 73-001(a) was required to be submitted to NMED by June 3, 2002. NMED considers this due date (June 3, 2002) a regulatory deliverable deadline.

Although NMED has the ability to grant an extension of time for report submittals, an extension for the submittal of the investigation and removal plan was not requested by DOE until 15 days after the deliverable due date. Be advised that failure to adhere to deliverable due dates imposed by NMED is considered noncompliance with LANL's RCRA permit and may result in enforcement actions by NMED.

DOE requested a 60-day extension of time for the submittal of the investigation and removal plan on June 18, 2002. NMED is denying the 60-day request for extension of time for the submittal of



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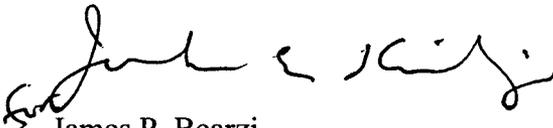
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the investigation and removal plan. However, NMED will grant DOE an additional 45-days from the original submittal due date of June 3, 2002, therefore the plan must be submitted to NMED no later than July 18, 2002.

NMED has met with DOE and LANL on numerous occasions prior to the May 8, 2002 letter regarding investigation and removal options for the debris in the drainage disposal areas. In addition, NMED has participated as a member of the Airport Landfill High Performing Team (HPT). As an HPT member, NMED has worked closely with DOE and LANL to accelerate clean up activities at the Airport Landfill. As a result, NMED believes there to be sufficient time to complete and submit the investigation and removal plan.

NMED will not grant DOE or LANL any further additional extensions for the plan submittal. In the future, if DOE requires an extension of time to a regulatory deliverable due date, the extension must be requested prior to the deliverable due date. If you have any questions or concerns regarding this letter, please contact me at (505) 428-2500 or Vickie Maranville at (505) 428-2546.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:vm

cc: J. Davis, NMED SWQB
J. Parker, NMED DOE OB
V. Maranville, NMED HWB
L. King, EPA 6PD-N
J. Vozella, OLASO, MS A316
B. Ramsey, LANL RRES/ER, MS J591
M. Kirsch, LANL RRES/ER, MS M992
D. McInroy, LANL RRES/ER, MS M992
W. Neff, LANL RRES/ER, MS M992
T. Rust, LANL RRES/ER, MS M992
File: Reading and LANL TA-73 (73-001(a) Airport Landfill)