

TA-73

Subject: Airport Landfill**Date:** Mon, 06 Jan 2003 15:58:49 -0700**From:** Vickie Maranville <vickie_maranville@nmenv.state.nm.us>**To:** dgregory@doeal.gov**CC:** David Cobrain <david_cobrain@nmenv.state.nm.us>, John Young <john_young@nmenv.state.nm.us>

The purpose of this email is to provide a written record of our telephone communications this morning (January 6, 2003) and to further clarify NMED's position with regard to the DOE extension request for the Airport Landfill debris removal (extension request dated December 30, 2002). NMED is in receipt of the DOE request for an extension of time for the submittal of the Airport Landfill debris removal IM Plan Addendum. Currently, NMED does not have sufficient information to evaluate the DOE extension request. NMED requests that DOE provide, in writing, a detailed explanation of the delay in time for submittal of the IM Plan Addendum and, further explain the delay in implementation of the debris removal activities. NMED has spent considerable time and effort in moving the project forward and can not accommodate the extension request with out a cogent argument for the extension. In a letter to the Permittees (DOE and LANL) dated December 20, 2000 NMED approved a change in the regulatory approach in an attempt to accelerate the debris removal. NMED believes the debris removal work has been delayed for too long. The Permittees have been aware of the required removal of debris in the drainages since at least early 2000. A high performing team (HPT) was convened in 1999 to evaluate removal option for the debris as well as other RCRA related issues at the Airport Landfill. The following is a recap of the debris removal project:

NMED coordinated a multi-agency site visit in September 2001 to bring all regulatory agencies together to ensure that work conducted in the drainages would satisfy NMED as well as EPA. As a result of the September 2001 site inspection, NMED, LANL, DOE, and EPA agreed to cleanup criteria which were to be outlined in the IM Plan.

NMED notifies the Permittees a regulatory deliverable deadline was missed and that the Permittees requested an extension for the plan submittal after the regulatory deadline. In addition, NMED notifies the Permittees that the Permittees have had sufficient time to complete and submit the invention and removal plan (i.e. the IM Plan). NMED requires the IM Plan be submitted to NMED on or before July 18, 2002.

On July 18, 2002, six weeks after the regulatory deliverable deadline and 10 months after the site inspection, the Permittees submit an IM Plan.

The IM Plan was rejected by NMED on July 24, 2002 (see correspondence dated July 24, 2002 for detailed explanation of rejection). Again, NMED states that the Permittees have had sufficient time to submit an IM Plan and implementation schedule to NMED.

NMED required a revised plan and accelerated schedule be submitted for review and approval on or before August 7, 2002.

On August 5, 2002 the Permittees and NMED discussed the contents of the required up coming submittal. NMED once again stressed the importance of an IM Plan submittal containing details of the debris removal planned for the site. Details of the telephone conversation are recorded via email and printed for inclusion in the NMED administrative record.

A revised plan was submitted to NMED on August 7, 2002. The IM Plan submitted in August 2002.



NMED has had several discussions with the Permittees regarding content of the IM Plan. NMED states that the plan lacks detail. NMED was also contacted by the USACE on September 9, 2002 (Ms. Carrol McKinney) to obtain information regarding regulatory requirements for debris removal.

On November 6, 2002 NMED sent a formal letter acknowledging receipt of the IM Plan and once again stating that the plan lacks detail. Based on the information provided to NMED by the Permittees, NMED agrees to hold comment on the IM Plan until the Permittees contractor completes drafting the detailed addendum to the IM Plan. NMED requires the detailed addendum to the IM Plan be submitted to NMED for review and approval on or before December 31, 2002.

On December 30, 2002 DOE requests an extension of time for submittal of the detailed addendum to the IM Plan. DOE requests that NMED grant an extension for submittal of the addendum until March 14, 2002.

NMED believes that DOE has had sufficient time to submit the IM Plan addendum, as outlined above. In addition, NMED has stated in numerous correspondence that the Permittees have had sufficient time to submit and implement the IM Plan. NMED does not believe the Permittees have provided sufficient detail in the extension request for NMED to evaluate the request. NMED stated concerns in correspondence (November 6, 2002) that the selected remedy may not be able to be implemented, or it may not achieve the required result of debris removal as agreed upon by the HPT and outlined in numerous correspondence from both NMED and the Permittees. The Permittees have changed removal methods on several instances, NMED is requiring the Permittees to select a remedy and provide the details of the selected remedy to NMED for review and approval. Please provide to NMED by Friday January 10, 2003, all the details related to the delay in addendum submittal and outline a path forward for debris removal and addendum submittal. Also, please note that NMED believes an extension of an additional 73 days to be excessive. NMED will not grant an extension of 73 days, but based in the information provided and level of detail provided, NMED may grant an extension of up to 60 days. NMED has granted the Permittees several extensions of time for the Airport Landfill. NMED can not, and will not continue to grant extensions of time for the IM Plan submittal. NMED would like to stress debris removal at the Airport Landfill drainages is a priority to NMED and NMED can not and will not accommodate the extension request without a detailed letter outlining all the circumstances related to the long delay in report submittal and debris removal.

Sincerely,
Vickie Maranville

Geologist
New Mexico Environment Department
Hazardous Waste Bureau

