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TA-73



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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

January 29, 2003

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

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

**SUBJECT: RESPONSE TO EXTENSION REQUEST FOR SUBMITTAL OF AN
ADDENDUM TO THE INTERIM MEASURES PLAN FOR SOLID
WASTE MANAGEMENT UNIT (SWMU) 73-001(a), AIRPORT
LANDFILL DRAINAGES
LOS ALAMOS NATIONAL LABORATORY EPA ID# NM 0890010515
HWB-FACILITY-02-020**

Dear Dr. Browne and Mr. Trollinger:

The New Mexico Environment Department (NMED) is in receipt of your undated request for an extension of time entitled "Extension Request for Submittal of Addendum to the Interim Measure Plan for PRS TA 73-001(a)." NMED has reviewed the request and has the following comments.

In 1999 the Department of Energy (DOE), NMED, and the University of California (LANL) convened a high performing team (HPT) comprised of representatives from all parties in an attempt to accelerate work at the Airport Landfill site. Over the course of several months the HPT evaluated cleanup options and criteria for removal of debris located in the drainages associated with the Airport Landfill. The HPT prepared and reviewed a draft Interim Measures



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(IM) Plan for debris removal in May of 2001. The draft IM plan, although never formally submitted to NMED, nevertheless recommended removal of the debris in the drainages using a combination of helicopter and manual removal. DOE also requested additional time to evaluate whether the benefit of removing debris in the watercourse (the presence of which represents a violation of 20 NMAC 6.2 §2201, 40 CFR 122.26 and the U.S. Environmental Protection Agency [EPA] NPDES storm water multi-sector general permit) outweighed the risk to workers associated with removal. During a HPT meeting on April 15, 2002, DOE indicated that the US Army Corp. of Engineers (USACE) had been retained to review the draft IM Plan and to provide an independent review and proposal for debris removal. DOE also indicated once the USACE provided a proposal, DOE would determine which agency (USACE or LANL) would execute the work. The work was to include a written plan submittal to NMED. To date, DOE has submitted several plans to NMED that were later deemed unacceptable and subsequently withdrawn due to safety concerns and cost. The debris currently remains in the watercourse in violation of both the New Mexico Water Quality Control Commission Regulations (20.6.2 NMAC) and Federal storm water regulations. 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)]" dated May 8, 2002, NMED required the DOE and University of California (Permittees) to submit an investigation and removal plan for the drainages associated with the Airport Landfill site June 3, 2002.

NMED has already provided several extensions of time to allow DOE time to evaluate removal alternatives. NMED's Administrative Record clearly shows that a complete IM Plan including a selected remedy and implementation schedule was due to NMED on or before June 3, 2002. The Permittees failed to submit a plan or timely request for an extension of time to NMED prior to the deadline. Rather the Permittees requested an extension of time for submittal of the IM Plan on June 18, 2002 (15 days after the deliverable due date). Nevertheless, NMED granted the Permittees additional time, until July 18, 2002, for submittal of the IM Plan. The Permittees submitted the IM Plan to NMED on July 18, 2002. On July 24, 2002 NMED rejected the IM Plan due to technical incompleteness (NMED correspondence dated July 24, 2002) and required the Permittees to revise the IM Plan and resubmit it by August 7, 2002. The IM Plan submitted by the Permittees on August 7, 2002 was similarly inadequate, as it did not select a remedy for removal of debris located in the drainages associated with the Airport Landfill. Following discussions with the Permittees, NMED notified the Permittees (NMED correspondence dated November 6, 2002) of NMED's intent to withhold comment on the IM Plan until the Permittees provide the details of the debris removal in the form of an addendum to the IM Plan. NMED required the IM Plan addendum to be submitted by December 31, 2002. NMED again stated that the IM Plan lacked detail and stated concerns that the selected remedy may not be the most appropriate stabilization alternative or that it may not achieve required results of debris removal from the drainages associated with the Airport Landfill. On December 30, 2002, DOE requested an extension of 73 days (until March 14, 2003) in an undated facsimile. In another undated letter

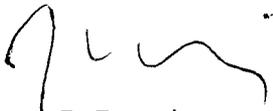
Dr. Browne and Mr. Trollinger
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received via facsimile on January 10, 2003, DOE requested until February 21, 2003 to submit the IM Plan Addendum. NMED believes both requests unreasonable given the project history as outlined in this letter.

In summary, NMED believes DOE has had ample time to submit the Addendum to the IM Plan. DOE must notify NMED in writing on or before January 31, 2003 of the selected remedy or remedies. By February 14, 2003 DOE must submit a complete and detailed addendum to the IM Plan outlining the methods for implementing the remedy or remedies. The addendum to the IM Plan must also include an accelerated schedule for removal of the debris in the watercourse. NMED will grant no additional extension of time for submittal of the IM Plan addendum. The debris must be removed from the watercourse by August 30, 2003 in accordance with the criteria set forth in the October 3, 2001 (attached) letter to EPA and the May 8, 2002 (attached) letter to the Permittees. Failure to comply with the regulatory deliverable deadlines outlined in this letter may result in enforcement actions.

Should you have any questions regarding this letter and the regulatory deadlines outlined above, please feel free to contact Vickie Maranville of my staff at (505) 428-2546.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

Attachment(s) NMED Correspondence dated October 3, 2001 and May 8, 2002

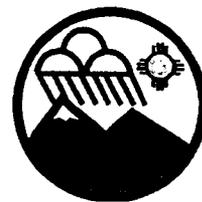
Dr. Browne and Mr. Trollinger
January 29, 2003
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cc: D. Cobrain, NMED HWB
J. Kieling, NMED HWB
V. Maranville, NMED HWB
J. Young, NMED HWB
J. Davis, NMED SWQB
B. Lucas, NMED SWQB
J. Parker, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA Region 6 (6PD-N)
D. McInroy, LANL RRES/ER, MS M992
B. Ramsey, LANL RRES/ER, MS M992
N. Quintana, LANL RRES/ER, MS M992
T. Rust, LANL RRES/ER, MS M992
D. Gregory, DOE OLASO-OPM, MS A316
H. LeDoux, DOE OLASO-OPM, MS A316
File: Reading and LANL TA-73 [Airport Landfill SWMU 73-001(a)]



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PETER MAGGIORE
SECRETARY

PAUL RITZMA
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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

October 3, 2001

Mr. Jack V. Ferguson, P.E.
NPDES Permits Branch (6WQ-P)
U. S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733



**Re: Debris Clean Up of Los Alamos National Laboratory (LANL) Airport Landfill
Drainage Debris Area [Solid Waste Management Unit 73-001(a), NPDES Storm
Water Multi-Sector General Permit NOS. NMR05A734 and NMR05A735**

Dear Mr. Ferguson:

On September 26, 2001 representatives of the New Mexico Environment Department (NMED), the Los Alamos National Laboratory (LANL) and the US Department of Energy (DOE) conducted a site visit to the LANL Airport Landfill drainage debris disposal area. This site is located on DOE property at the Los Alamos County Airport. The Airport Landfill was operated by DOE beginning in 1943 for disposal of municipal waste from the Los Alamos Townsite and laboratory. The county assumed operational control from 1965 until landfill closure in 1973. The landfill drainages that contain refuse lead from the edge of the landfill on the mesa top to the main ephemeral watercourse at the base of Pueblo Canyon. Investigations conducted to date indicate that the majority of the drainage debris originated from incidental operation of the landfill, although some of the refuse in the drainages was intentionally dumped.

The purpose of the site tour was to understand and discuss available options for dealing with the site to satisfy both State regulations and Federal storm water regulations. Issues related to removal of the refuse were discussed, as well as best management options that would achieve environmental regulatory compliance while balancing health and safety concerns of cleanup actions. The Airport Landfill is a regulated solid waste management unit [SWMU 73-001 (a,b,c,d) and 73-004(d)] listed on the LANL Facility operating permit and currently undergoing Resource Conservation and Recovery Act (RCRA) corrective action under the direction of NMED. In order to allow the cleanup to proceed, the following recommendations were formulated, and are provided to the Environmental Protection Agency (EPA) for review and

concurrency to ensure consistency with the NPDES Storm Water Multi-Sector General Permit (MSGP). These specific steps are only applicable to this SWMU.

1. All refuse in and around the several drainage channels, which includes tires, wood debris, concrete, auto parts and other metal scrap, should be removed, except those items that are substantially buried and therefore pose no reasonable potential to move. As a practical matter, items that are less than 50% buried in sediment should be removed. Items whose removal presents a real and credible threat to worker health and safety may also remain in place.
2. Appropriate Best Management Practices should be installed where efficacious to prevent the movement of disturbed soil or other contaminants into surface water. All erosion control measures must be inspected and maintained on a regular basis to insure and assess their effectiveness.
3. At the base of the drainages containing refuse, one or more retention structures (or equivalent) should be constructed to control the potential pollutant load these sources may contribute to waters of the U.S. Such structures should be engineered to intercept all storm water runoff from the landfill drainages and allow for routine sampling.
4. If, after storm events, there is insufficient water to sample, it may be reasonably argued that no discharge from the drainages has occurred and therefore no water sampling/analysis is required. In addition, water sampling and analysis may be necessary for only one landfill drainage if it can be demonstrated that other drainage outfalls are "substantially identical" (i.e., those that show similar significant sources of pollutants and storm water discharge volumes; ref: 40 CFR 122.26 and Part 5.2.4 of the MSGP). Finally, sampling and analysis must be performed in accordance with 40 CFR 136 and the MSGP.
5. Routine inspection and maintenance of the retention structure(s) is required to ensure that they are functioning as intended.
6. To prevent significant run on, the landfill cap design for SWMU 73-001(a, b, c, d) and 73-004 (d) must include structural and/or nonstructural controls to divert storm water away from the drainages.
7. In accordance with Part 4.0 of the MSGP and 40 CFR 122.26, it is the responsibility of the permittee to develop, maintain, and implement a site-specific Storm Water Pollution Prevention Plan (SWPPP). All activities related to the landfill drainages, for example, should be documented in the site-specific SWPPP.
8. LANL will be required to comply with all other State and Federal Regulations.

Our goal is to accelerate clean up activities at the Airport Landfill and ensure that all State and Federal regulations are satisfied. Since EPA plays a key role in the decision making process for this cleanup effort, NMED believes it is essential to communicate the details of the project to EPA. If you have any questions, comments or concerns regarding the proposed drainage clean up, or wish to visit the site, please contact me at (505) 827- 0187.

Sincerely,

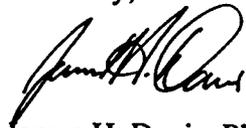


James H. Davis, Ph.D.
Bureau Chief

cc: Greg Lewis, Director, NMED Water and Waste Management Division
✓ James Bearzi, Chief, NMED HWB
John Parker, Chief, NMED DOE OB
Robert V. Murphy, Chief, Water Enforcement Branch, USEPA 6EN-W
Jimmy Graham, TX, NM NPDES Section, USEPA 6EN-WT
Brent Larson, USEPA 6W-P
B. Lucas, NMED SWQB
V. Maranville, NMED HWB
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D. Neleigh, EPA, 6-PD-N
D. Gregory, DOE LAAO, MS A316
J. Vozella, DOE LAAO, MS A316
J. Canepa, LANL E/ER, MS M992
M. Kirsch, LANL E/ER, MS M992
D. McInroy, LANL E/ER, MS M992
W. Neff, LANL E-ET, MS M992
T. Rust, LANL E/ET, MS M992

you have any questions regarding required debris disposal at the Airport Landfill Drainage Areas, please contact Bret Lucas of my staff at (505) 827-2933 or Vickie Maranville of HWB at 428-2546.

Sincerely,



James H. Davis, Ph.D.
Bureau Chief

cc: Greg Lewis, Director, NMED Water and Waste Management Division
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