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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 24, 2003

Mr. G. Pete Nanos, Interim Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, New Mexico 87545

Mr. Ralph Erickson, Area Manager
Office of Los Alamos Site Operations
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

SUBJECT: REJECTION OF INTERIM MEASURES PLAN AND ADDENDUM 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 Messrs. Nanos and Erickson:

The New Mexico Environment Department (NMED) is in receipt of your February 14, 2003 document entitled "Addendum to Interim Measures Plan for Potential Release Site 73-001(a)." NMED hereby rejects the aforementioned document. NMED also reaffirms the rejection of the revised interim measures (IM) plan dated August 7, 2002 titled, "Interim Measures Plan for Potential Release Site 73-001(a) Debris Removal," and referenced by LA-UR-01-2923 (ER2002-0538). NMED is providing the following explanation of the IM Plan and Addendum rejection:

NMED granted the Department of Energy and the University of California (the Permittees) until January 31, 2003 to provide a remedy for debris removal. In response, the Department of Energy (DOE) submitted the following remedy for debris removal: debris removal will be accomplished using a combination of methods and technologies including; manual collection and transport to staging areas, skyline rigging commonly used in logging and trucks and trailers for transport to disposal areas. In a letter to the Permittees dated January 29, 2003, NMED required the Permittees to submit a complete and detailed addendum to the IM Plan outlining the methods for implementing the remedy on or before February 14, 2003.

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NMED staff discussed deficiencies of the IM plan during a telephone conversation with DOE on January 6, 2003 and met with Mr. Gregory of the DOE during the week of January 6, 2003 to further discuss the deficiencies of the IM plan. At the meeting NMED conveyed the expectation that the IM Plan Addendum must include a level of detail equivalent to that which would be included in the bid specifications for a request for proposal and that which would be expected in a contractor's bid package to complete the proposed work.

NMED again met with the DOE staff on Tuesday, March 4, 2003 to further discuss deficiencies in the addendum. During the meeting, NMED staff outlined in detail the deficiencies of the IM Plan Addendum. The deficiencies discussed include, but are not limited to:

- The removal method proposed by DOE is not explained in detail;
- It is unclear if the proposed removal methods will be able to achieve the desired result of debris removal;
- It is unclear whether an engineered system including "baskets, carts, or carriages" will be designed and installed for debris removal, and how debris that cannot be removed "conveniently or efficiently" will be "picked up" at the bottom of Pueblo Canyon,
- "Conveniently or efficiently" are not defined;
- It is unclear if the road into Pueblo Canyon must be improved to allow trucks or other heavy equipment into the canyon bottom for debris removal;
- Details, including capacity, design and construction of the proposed "Skyline cableway and carriage system" are not provided;
- Detailed engineering drawings for the Skyline cableway and carriage system are not provided;
- Load capacity for the system proposed is not provided;
- Environmental impacts associated with the installation of the cableway and carriage system are not described (e.g. will trees be removed from the hillside for system installation in turn causing contaminated sediment to be mobilized and potentially move into Pueblo Canyon);
- Erosion controls to prevent sediment dislodged during debris removal from entering Pueblo Canyon are not proposed;
- What actions will be taken to ensure that contaminated sediments in Pueblo Canyon are not mobilized;
- How will potentially contaminated dust generated during debris removal be suppressed;
- What is the final disposition of the generated debris; and
- Information provided in the IM plan and subsequent addendum is inadequate for NMED to determine if the remedy selected is implementable and will not cause adverse effects to Pueblo Canyon, the Airport Landfill, or debris in place at the landfill.

The Airport Landfill High Performing team (HPT) evaluated various removal methods, including a cable pull system, between December 1999 and May 2001. The HPT members consist of DOE, LANL Risk Reduction and Environmental Stewardship (RRES) and NMED Surface Water Quality Bureau and Hazardous Waste Bureau representatives. Based on the evaluation of the debris removal methods, the HPT determined: a cable pull system would not be capable of removing debris from remote areas; access would be limited to debris within a certain distance on either side of the primary cable; moving the cable to facilitate debris pickup throughout the drainage would not be cost effective; construction of a cable system may require use of a bulldozer for construction of anchor points causing sediment to be mobilized by tree removal and construction activities; and, any cable system presents unique operational and health and safety concerns and must be designed and certified by a New Mexico registered professional engineer. In addition, the initial cost to design and construct a cable system would be high.

During the meeting between NMED and DOE on March 4, 2003, NMED outlined concerns with the proposed removal method, the IM Plan and Addendum to the plan, and provided specific examples of investigation plans submitted by the Permittees for NMED review containing all required elements by NMED. Specifically, NMED directed DOE to use the following plans as examples when preparing a revised Plan for the Airport Landfill: "Voluntary Corrective Measures Plan for Solid Waste Management Unit 21-011(k) at Technical Area 21, Revision 1" (LA-UR-02-3807) and "Interim Action Plan for the South Fork of Acid Canyon" (LA-UR-01-4538). The Permittees subsequently withdrew SWMU 21-011(k); however, NMED conducted a thorough review and found the plan to contain all necessary information for NMED to make a determination on the plan. The Acid Canyon plan was approved by NMED on June 25, 2002.

In summary, NMED has met with the DOE on several occasions to discuss the content of the IM Plan Addendum and provided DOE with examples of plans submitted to NMED to use as a template for revising the IM Plan Addendum. NMED has provided guidance on IM Plan Addendum content to DOE by e-mail communication on August 5, 2002, September 16, 2002, and January 6, 2003. In addition, NMED has met with DOE during the week on January 6, 2003 and again on March 4, 2003 to discuss details of a revised IM Plan Addendum. To date, DOE has not submitted detailed information regarding debris removal at SWMU 73-001(a) as required by NMED.

The following documents are required to be submitted to NMED for review and approval: a revised draft IM Plan for debris removal on or before May 30, 2003, a revised final IM Plan for debris removal by June 13, 2003, and an IM Completion Report on or before October 30, 2003. In addition, NMED requires the debris to be removed from the drainages in accordance with an approved IM Plan on or before August 30, 2003.

The content of the revised IM Plan should follow the "RCRA Corrective Action Plan (Final), OSWER Directive 99023-2-A, May 1994" and contain the following elements:

- Method required to access debris located in each of the drainages identified for cleanup must be outlined in detail and include diagrams of equipment and design specifications for any engineered system designed to remove the debris;
- Method of removal must be outlined and include all actions necessary to remove the debris from the watercourse;
- Information regarding staging, segregation and disposal of debris once removed from the drainage must be explained in detail;
- Actions proposed to control sediment migration during removal must be detailed;
- Actions proposed for dust suppression during debris removal must be explained in detail;
- Proposed confirmatory sampling program must be detailed and include proposed analyses. A map detailing proposed sampling locations should be included to demonstrate proposed confirmatory sampling locations;
- The process used for waste disposal profiling, including debris and soil generated, must be explained in detail; and
- A contingency plan containing alternate methods for debris removal (if proposed method should fail) and sampling of stained or visibly contaminated material must also be included.

Please be advised that this case has been referred to the NMED Office of General Counsel for possible enforcement actions. If you have any questions regarding this letter or future enforcement activities, please contact me at 827-2512.

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

cc: S. Hattenbach, NMED OGC
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File: Reading and LANL TA-73 [Airport Landfill Drainages SWMU 73-001(a)]