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Date: February 12, 2008
Refer To: EP2008-0083

James P. Bearzi, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Subject: Response to the Direction to Modify the Investigation Work Plan for Middle Cañada del Buey Aggregate Area, Revision 1 and Request for Extension

Dear Mr. Bearzi:

Los Alamos National Security, LLC (LANS) and the U.S. Department of Energy (DOE) have received from your office the Direction to Modify the Investigation Work Plan for Middle Cañada del Buey Aggregate Area, Revision 1, dated January 15, 2008. In the Direction to Modify, the New Mexico Environment Department (NMED) requests that LANS and DOE prepare and submit to NMED a work plan for the investigation of Area of Concern (AOC) 54-001(d) by February 15, 2008. AOC 54-001(d), is within the permitted Technical Area (TA) 54 Area L container storage unit (aboveground) fencing. This storage unit is authorized by the Environmental Protection Agency (EPA) for storing polychlorinated biphenyl (PCB) wastes under the Toxic Substances Control Act (TSCA) and is subject to TSCA operating and closure requirements under Title 40 of the Code of Federal Regulations, Part 761. The site was also included in Los Alamos National Laboratory's (LANL's) June 2003 Part B permit renewal application and is listed in NMED's 2007 Draft LANL Hazardous Waste Facility Permit Table O-1 (Permitted Units Actively Managing Hazardous Waste). AOC 54-001(d) consists of Building 54-31 and former structure 54-81. Building 54-39 has a bermed concrete floor and former structure 54-81 is a 17 ft by 59 ft bermed and sealed concrete pad attached to building 54-39.

The investigation of releases of hazardous waste or constituents from solid waste management units (SWMUs) and AOCs that are permitted active waste management units is a requirement of the Permit and is appropriately deferred until closure of the unit. We are required to submit a Resource Conservation and Recovery Act (RCRA) closure plan, including a sampling and analysis plan (SAP), for AOC 54-001(d) as part of the permitting process. It is our intent to close this unit under this closure plan once it is no longer active. Additionally, we are required to meet TSCA storage area closure requirements, including decontamination and confirmatory sampling, when AOC 54-001(d) is no longer used for PCB waste storage. These operating and closure requirements provide an enforceable mechanism to ensure that AOC 54-001(d) will be investigated and, if necessary, remediated at the time of closure and in the event of operational releases.

We request a meeting at your earliest convenience to discuss with you and your staff a path forward for ensuring that work required and performed under the Consent Order is consistent with the corrective action requirements of the Hazardous Waste Facility Permit. This meeting will outline a path forward for addressing both comments received from your office associated with AOC 54-001(d), as well as all other currently identified active SWMUs/AOCs associated with ongoing LANL operations. LANS and DOE believe responding to the Direction to Modify the work plan prior to this meeting would be premature and are requesting a 15-day extension to give us adequate time to meet and prepare the appropriate response.

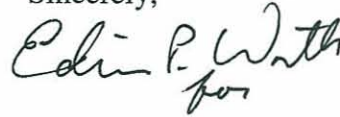
If you have any questions, please contact Dave McInroy at (505) 667-0819 (mcinroy@lanl.gov) or Cheryl Rodriguez at (505) 665-5330 (crodriguez2@doeal.gov).

Sincerely,



Susan G. Stiger, Associate Director
Environmental Programs
Los Alamos National Laboratory

Sincerely,



David R. Gregory, Project Director
Environmental Operations
Los Alamos Site Office

SS/DG/DM/PB:sm

Cy: Laurie King, EPA Region 6, Dallas, TX
Steve Yanicak, NMED-OB, White Rock, NM
Tom Skibitski, NMED-OB, Santa Fe, NM
Bonita Eichorst, DOE-LASO (date-stamped letter emailed)
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