

Class 1* Consent Order Modification

Introduction

This submittal has been prepared by the U.S. Department of Energy (DOE) and Los Alamos National Security, LLC (LANS) to request a modification to the March 2005 Compliance Order on Consent (Consent Order). Section III.J states that all modifications of the Consent Order must be in writing and signed by all parties and all modifications are subject to the same procedural rights that would apply to those modifications if made under the Los Alamos National Laboratory's (the Laboratory's) Hazardous Waste Permit. These procedural rights are described in Title 40 of the Code of Federal Regulations Section 270.42 (40 CFR 270.42) (implemented by 20.4.1 .900 New Mexico Administrative Code). This modification is consistent with the Class I permit modification examples in Appendix I to 40 CFR 270.42. After consultation with the New Mexico Environment Department (NMED), this modification has been prepared as a "Class 1*", which requires prior NMED approval.

Background

This modification request proposes to add Section III.Z that adds a requirement to maintain a publicly accessible environmental database (e.g., Intellus NM) to the Consent Order. Intellus NM is a web-based database that contains the results of environmental investigation and monitoring activities, including the following:

- Air-quality sampling
- Soil and sediment testing
- Groundwater and surface water monitoring
- Biota monitoring

The scope of the data contained in Intellus NM is broader than just the data collected pursuant to the Consent Order. For example, it includes historical data that were collected prior to the March 2005 effective date of the Consent Order.

Permit Modification Summary

Including a provision in the Consent Order to maintain this publically accessible environmental database is intended to document DOE/LANS commitment to providing a transparent and accessible means for the public to see the latest available environmental data at the Laboratory. The modification language was drafted to meet this commitment and clarify how this database relates to the Consent Order.

This Class 1* modification would add Section III.Z *Public Environmental Database* in Section III *General Provisions*.

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III.Y.2.c Contrary Land Use

If the Department determines that the transferee agency plans to use, or is using, the subject property in a manner contrary to the use(s) discussed at the meeting described in Section III.Y.2.a, the Department shall notify DOE and the transferee agency in writing. In such writing, the Department shall explain its concerns with regard to the proposed or current use of the property. Within 30 days thereafter DOE, the Department, and the transferee agency shall meet to discuss the Department's stated concerns. The State reserves its right to take any action, including administrative or judicial action, to address the contrary land use.

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Table III-1

Explosive Compounds (Including Propellants, Pyrotechnics, and Degradation Products)

Constituent	Abbreviation or Synonym
2-Amino-4,6-Dinitrotoluene	2-Am-DNT
4-Amino-2,6-Dinitrotoluene	4-Am-DNT
2,4-Diamino-6-Nitrotoluene	2,4-DANT
2,6-Diamino-4-Nitrotoluene	2,6-DANT
3,5-Dinitroaniline	3,5-DNA
Octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazocine	HMX
2-Nitrotoluene	2-NT
3-Nitrotoluene	3-NT
4-Nitrotoluene	4-NT
Pentaerythritol tetranitrate	PETN
Hexahydro-1,3,5-trinitro-1,3,5-triazine	RDX or Cyclonite
Triaminotrinitrobenzene	TATB
Tris (o-cresyl) phosphate	TCP
Methyl-2,4,6-trinitrophenylnitramine	Tetryl
2,4,6-Trinitrotoluene	TNT

III.Z PUBLIC ENVIRONMENTAL DATABASE

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The Respondents shall maintain a publically accessible database containing all data from environmental media (i.e., soil, sediment, surface water, groundwater, air, and biota) collected by the Respondents as part of environmental investigation and monitoring. The database shall include the capacity for the spatial display of data, the comparison of data to standards and reference values, and the plotting of trends in the data. Additionally, to the extent data are collected pursuant to the requirements of the Consent Order, the database shall include the analytical quality assurance/quality control and data validation information. As new data becomes available, the Respondents shall enter all such data into the public database through updates on no less than a monthly basis. The Respondents shall correct any inaccuracy in the data within 60 days of discovery of such inaccuracy.

This database and the data in it shall not be considered a submittal under Section III.G.