



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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DAVE MARTIN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

JAMES H. DAVIS, Ph.D.
Director
Resource Protection Division
EP2012-5243

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 1, 2012

Pete Maggiore
Environmental Operations Manager
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Jeffrey D. Mousseau, Associate Director
Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS 991
Los Alamos, NM 87545

**RE: REQUIREMENT FOR SUMTTAL OF A
SOLID WASTE MANAGEMENT UNIT ASSESSMENT REPORT
PIT 38, MDA G AT TECHNICAL AREA (TA) 54
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515**

Dear Messrs. Maggiore and Mousseau:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) *Notice of Intent to Discharge Potable Water Used for Dust Suppression and Decontamination at Technical Area 54 Disposal Pit 38* (NOI), dated August 13, 2012 and referenced by ENV-RCRA-12-0189/LAUR 12-23557. The NOI proposes to discharge a maximum of 7,000 gallons of water per day, for 50 days. The water will be used to (1) suppress dust to protect worker health and safety and (2) decontaminate 350 waste bins and trucks used in the storage and transport of low-level radioactive waste. The Permittees acknowledge that 150 bins containing low-level nonhazardous waste have already been transported from MDA B for disposal in Pit 38. Based on the disposal rate proposed in the NOI (50 days to dispose of 350 bins), approximately 7,000 gallons of water per day have been discharged to Pit 38 over approximately 22 days to date.

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NMED also received the Permittees' *Amendments to the Previously Submitted Notice of Intent to Discharge Potable Water for Dust Suppression and Decontamination at Technical Area 54 Disposal Pit 38*, dated September 17, 2012 and referenced by ENV-RCRA-12-0209/LAUR 12-24597. This document proposes a reduction in the maximum discharge rate from 7,000 gallons per day to 1,800 gallons per day for the future 50 day period outlined in the NOI.

Section III.B of the March 2005 Compliance Order on Consent (Order) states, " 'Solid Waste Management Unit' or 'SWMU' means any discernible unit at which solid waste has been placed at any time and from which the Department determines there may be a risk of a release of hazardous waste or hazardous waste constituents, irrespective of whether the unit was intended for the management of solid or hazardous waste. Based on Table 1 of Enclosure 2 of the NOI, hazardous constituents are present in the wastes being placed into Pit 38. The placement of waste containing hazardous constituents in Pit 38, as well as the unapproved discharge of 7,000 gallons of decontamination and dust suppression water per day and the upcoming estimated additional 50 days of 1,800 gallons of such water per day into the unlined disposal pit, creates the potential for migration of hazardous constituents into the subsurface. The placement of waste containing hazardous constituents is subject to regulation under the Order.

Section V.C of the Order states that, "[w]ithin fifteen (15) days after the discovery of any newly identified SWMU or AOC, the Respondents shall notify the Department in writing of such discovery." Although the Permittees discharged water at Pit 38 from July 2, 2012 to August 2, 2012 without NMED's knowledge, the NOI will suffice as notification of the newly identified AOC.

Section V.C of the Order states, "[w]ithin ninety (90) days after submitting such notification, the Respondents shall submit to the Department for review and written approval a SWMU Assessment Report (SAR) for each newly identified SWMU or AOC." The Permittees must provide all information required under Section V.C, including but not limited to, the requirements under Section V.C, #5, which states, "[i]dentification of all wastes that have been managed at or in each unit, to the extent available. Include any available data on hazardous constituents in the wastes."

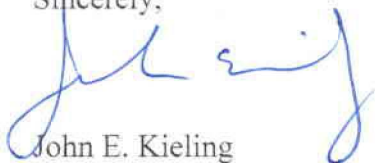
In accordance with Section V.C of the Order, the Permittees must submit a SWMU Assessment Report within 90 days of the notification, which is November 11, 2012. NMED, at its discretion, has extended the submittal date and hereby requires the SWMU Assessment Report to be submitted no later than **January 2, 2013**. All submittals (including maps) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Consent Order.

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Messrs. Maggiore and Mousseau
October 1, 2012
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Please contact Dave Cobrain at (505) 476-6055 should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "John E. Kielling". The signature is stylized and cursive.

John E. Kielling
Chief
Hazardous Waste Bureau

cc: J. Davis, NMED RPD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
B. Wear, NMED HWB
J. Schoeppner, NMED GWQB
C. Marshall, NMED GWQB
J. Fullam, NMED GWQB
S. Yanicak, NMED DOE OB, MS J993
T. Skibitski, NMED DOE OB
B. Schappell, LANL-ADEP, MS M991
C. Rodriguez, DOE-LASO, MS A316
L. King, EPA 6PD-N

File: LANL 2012, MDA G, TA-54

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NAME Clara Ruiz
Z# 113017
DATE 10.9.12

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New Mexico Environment Department
Hazardous Waste Bureau
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