



SUSANA MARTINEZ  
Governor  
JOHN A. SANCHEZ  
Lieutenant Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303  
Phone (505) 476-6000 Fax (505) 476-6030  
[www.env.nm.gov](http://www.env.nm.gov)**



RYAN FLYNN  
Cabinet Secretary  
BUTCH TONGATE  
Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

August 7, 2015

Christine Gelles, Acting Manager  
U.S. Department of Energy, NNSA  
Los Alamos Field Office, DOE  
3747 West Jemez Rd, MS A316  
Los Alamos, NM 87544

Michael Brandt, Associate Director  
Environment, Safety, Health  
Los Alamos National Laboratory  
P.O. Box 1663, MS K491  
Los Alamos, NM 87545

**RE: RESPONSE TO SWMU ASSESSMENT REPORT REQUEST  
DIESEL FUEL SPILL FROM AST 55-560  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID#NM0890010515  
HWB-LANL-MISC**

Dear Ms. Gelles and Mr. Brandt:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (LANS) (collectively, the Permittees) document entitled *Response to Request for a SWMU Assessment Report for the Diesel Fuel Spill from AST 55-560 (Response)* dated December 16, 2014 and referenced by ENV-DO-14-0374/LAUR 14-29266.

A release of diesel fuel was discovered in January 2013 in the vicinity of aboveground storage tank (AST) 55-560 located south of the Radiological Laboratory Utility Office Building (RULOB) (building 55-400). The investigation and remediation work was performed under the direction of Petroleum Storage Tank Bureau (PSTB). The results of sampling indicated that residual contamination of total petroleum hydrocarbon diesel range organics (TPH-DRO) above NMED's industrial and residential guidelines remains at the site (e.g., TPH-DRO at 6500 mg/kg in the sample collected from a depth of 8-9 feet below ground surface in borehole 1).

U1501819

In accordance with Section V.C of the Consent Order, on October 16, 2014, NMED requested a solid waste management unit (SWMU) assessment report (SAR) that addresses the presence of residual contamination at levels greater than the NMED SSLs. The Response stated that “[D]OE/LANL do not believe a report is necessary because significant investigative and remediation work has already been performed, and reported on, pursuant to Petroleum Storage Tank Bureau (“PSTB”) direction under 20.5.12 NMAC. Further, a SWMU assessment report is not required under the March 1, 2005, Compliance Order on Consent (“Consent Order”).” On December 15, 2014, PSTB notified the Permittees that although the requirements of 20.5 NMAC had been satisfied, “[s]ince the contaminated soil remains under the foundation of the tank pit...PSTB refers the LPST site known as the Los Alamos National Laboratory TA-55 RLUOB Facility to the Hazardous Waste Bureau (HWB).”

Based on the remedial activities performed and the information provided to date, the Permittees are not required to submit a SAR. HWB is not requiring any additional investigations or remediation at this time. However, it must be noted that there are no duplicative regulations because PSTB has referred the site to HWB due to the presence of residual contamination at this site. Because residual soil contamination at concentrations greater than applicable cleanup levels remains at depth after remediation activities were completed, the site must be added to Table K-2 (SWMUs and AOCs, Corrective Action Complete With Controls), of Attachment K of the RCRA Permit. The control for the site is industrial land use. In addition, the Permittees must address the residual contamination under the foundation of tank pit whenever, it becomes accessible.

Finally, the Permittees contend that the release at AST 55-560 does not meet the definition of a SWMU and is a one-time spill and not a routine and systematic release. NMED concurs with that assessment. Therefore, the Permittees must initiate a Class 1 Permit Modification to add this site as an Area of Concern (AOC 55-014) to Table K-2 of the Permit.

U1501819

Ms. Gelles and Mr. Brandt  
August 7, 2015  
Page 3

Should you have any questions, please contact Neelam Dhawan of my staff at (505) 476-6042.

Sincerely,



John E. Kieling  
Chief  
Hazardous Waste Bureau

cc: K. Roberts, NMED RPD  
D. Cobrain, NMED HWB  
N. Dhawan, NMED HWB  
S. Yanicak, NMED DOE OB  
J. Schoepner, NMED DOE OB  
L. King, EPA 6PD-N  
G. Turner, DOE-NA-LA, MS A316  
R. Erickson, EP, MS K788  
A. Grieggs, ENV-CAP, MS A992

File: Reading and LANL 2015 – Response SAR Request for TA-55, AST 55-560

U1501819

New Mexico  
Hazardous W  
2905 Rodeo Park Drive East, Bldg. 1  
Santa Fe, New Mexico 87505-6303



7013 0600 0001 8653 0152

Hasler  
08/10/2015  
US POSTAGE

FIRST CLASS MAIL  
\$07.45<sup>0</sup>



ZIP 87505  
011D11641177

Michael T. Brandt, Associate Director  
Environment, Safety, Health & Quality  
Los Alamos National Security, LLC  
P.O. Box 1663, MS K491  
Los Alamos, NM 87545

A150

U1501819

AUG 14 '15 AM 6:55

NAME: *Efine*  
Z#: *113017*  
DATE: *8-14-15*