



MICHELLE LUJAN GRISHAM  
GOVERNOR

JAMES C. KENNEY  
CABINET SECRETARY

ESHID-603651

August 3, 2021

Theodore A Wyka, Manager  
National Nuclear Security Administration  
Los Alamos Field Office  
3747 West Jemez Road, A 316  
Los Alamos, NM 87544

Jennifer Payne, Division Leader  
Env. Protection and Compliance Division  
Los Alamos National Laboratory  
P.O. Box 1663, MS-K491  
Los Alamos, NM 87545

**RE: APPROVAL  
RESPONSE TO SECOND NOTICE OF DISAPPROVAL CLOSURE CERTIFICATION REPORT AND  
PROPOSED ACTIONS FOR TECHINCAL AREA 16-399 OPEN BURN UNIT  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID#NM0890010515  
HWB-LANL-20-006**

Dear Mr. Wyka and Ms. Payne:

The New Mexico Environment Department (NMED) has reviewed the United States Department of Energy (DOE) and the Triad National Security, LLC. (Triad) (collectively the Permittees) *Response to Second Notice of Disapproval Closure Certification Report and Proposed Actions for Technical Area 16-399 Open Burn Unit* (Extension Request) dated and received July 22, 2021, referenced by EPC-DO-21-222/LA-UR-21-26813.

On February 20, 2020, the Permittees submitted the *Closure Certification Report for Technical Area 16-399 Open Burn Unit* (Report), and is referenced by EPC-DO-20-061/LA-UR-20-20437. NMED issued *Disapproval of Closure Certification Report for Technical Area 16-399 Open Burn Unit* on November 17, 2020. On January 7, 2021, the Permittees requested a 60-day extension which was granted, and the Permittees subsequently submitted *Response to the Disapproval of Closure Certification Report for Technical Area 16-399 Open Burn Unit* (Revised Report) dated and received March 17, 2021, referenced by EPC-DO-21-078/LA-UR-21-22037.

On May 25, 2021, NMED issued *Second Notice of Disapproval Closure Certification Report for Technical Area 16-399 Open Burn Unit* (Second NOD). This Extension Request was submitted following a pre-submittal teleconference on June 30, 2021. The Permittees have requested additional time conduct additional remediation activities to meet clean closure requirements for TA-16-399 Open Burn Tray and to submit a revised closure certification report. The Permittees are proposing to remove soil from sampling locations 4 and 9. The Permittees will collect additional confirmatory samples at those locations and will submit a revised closure certification report with the new data, and revised risk assessments.

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Hazardous Waste Bureau - 2905 Rodeo Park Drive, Bldg. 1, Santa Fe, New Mexico 87505 - (505) 476-6000  
www.env.nm.gov

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Mr. Wyka and Ms. Payne

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NMED has reviewed the proposed activities and approves the Extension Request. The revised certification report is **due to NMED on or before January 31, 2022**. Please keep NMED apprised of the progress of sampling and excavation efforts of the contaminated soils.

As a reminder, two hard copies of the revised closure certification report and one electronic copy, including analytical data must be submitted to NMED. As part of the summary that accompanies the report, the Permittees must also include: a table of revisions, a summary documenting corrective action activities at the unit, including photos; and a redline strikeout of the revised certification report (in both the electronic and hardcopy).

If you have any questions regarding this letter, please contact Siona Briley at (505) 690-5160.

Sincerely,

**Ricardo Maestas**

Digitally signed by Ricardo Maestas  
Date: 2021.08.03 14:47:24 -06'00'

Ricardo Maestas  
Acting Chief  
Hazardous Waste Bureau

cc:

N. Dhawan, NMED HWB  
S. Briley, NMED HWB  
M. Schatz, NMED HWB  
L. King, US EPA Region 6  
K. Armijo, NA-LA  
A. Duran, EM-LA  
E. Torres, Triad  
P. Padilla, Triad  
[adesh-records@lanl.gov](mailto:adesh-records@lanl.gov)  
[locatesteam@lanl.gov](mailto:locatesteam@lanl.gov)  
[epccorrespondence@lanl.gov](mailto:epccorrespondence@lanl.gov)

File: 2021 LANL, TA-16, Approval of Extension Request to Provide Revised Closure Certification  
Report OB Unit 16-399  
LANL-20-006

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**From:** [Martinez, Cynthia, NMENV](#)  
**To:** [theodore.wyka@nnsa.doe.gov](mailto:theodore.wyka@nnsa.doe.gov); [Payne, Jen](#)  
**Cc:** [Maestas, Ricardo, NMENV](#); [Dhawan, Neelam, NMENV](#); [Briley, Siona, NMENV](#); [Schatz, Mitchell, NMENV](#); [karen.armijo@nnsa.doe.gov](mailto:karen.armijo@nnsa.doe.gov); [Arturo.duran@em.doe.gov](mailto:Arturo.duran@em.doe.gov); [Torres, Enrique](#); [Padilla, Patrick L](#); [adesh-records@lanl.gov](mailto:adesh-records@lanl.gov); [locatesteam](#); [epc-correspondence@lanl.gov](mailto:epc-correspondence@lanl.gov); ["king.laurie@epa.gov"](mailto:king.laurie@epa.gov)  
**Subject:** [EXTERNAL] Letter to Mr. Wyka and Ms. Payne  
**Date:** Tuesday, August 3, 2021 2:59:27 PM  
**Attachments:** [Approval Extension Request for Second NOD for 16-399.pdf](#)

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Good Afternoon,  
Please see attachment.

Cynthia Martinez  
New Mexico Environment Department  
Hazardous Waste Bureau  
2905 Rodeo Park Drive East, Bldg.1  
Santa Fe, New Mexico 87505-6313

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