



ESHID-603679



**Environmental Protection & Compliance Division**

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*Date:* January 31, 2022  
*Symbol:* EPC-DO-22-034  
*LA-UR:* 22-20513  
*Locates Action No.:* U2100839

Mr. Rick Shean, Chief  
Hazardous Waste Bureau  
New Mexico Environment Department  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505-6303

**Subject: Notification of Need to Amend Approved Closure Plan, Technical Area 16-399 Burn Tray**

Dear Mr. Shean:

This letter provides the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB) notification of the need to amend an approved closure plan based on an unexpected event during closure. With concurrence from the NMED-HWB, this notice is provided in lieu of the revised certification report due January 31, 2022.

In January 2019, the NMED-HWB issued the *Final Action and Response to Comments Closure Plan for Technical Area 16-399 Open Burn Unit, Los Alamos National Laboratory, EPA ID #NM0890010515*. The U.S. Department of Energy (DOE) National Nuclear Security Administration-Los Alamos Field Office (NA-LA) and Triad National Security, LLC (Triad) (the Permittees) conducted closure activities as outlined in the approved closure plan and submitted the *Los Alamos National Laboratory Closure Certification Report for Open Burning Treatment Unit Technical Area 16-399 Burn Tray* to the NMED-HWB on February 20, 2020. The burn tray and surrounding equipment were successfully removed and the required soil samples collected; however, the risk assessment concluded that closure plan objectives could not be achieved due to soil concentrations above residential human health and ecological screening levels. With NMED-HWB approval, the Permittees conducted a soil removal action in an effort to reduce the detected concentrations of explosives compounds at the site, but did not revise the risk assessment to include the new data.

In response to the closure certification report, NMED-HWB issued *Disapproval Closure Certification Report for Technical Area 16-399 Open Burn Unit Los Alamos National Laboratory, EPA ID#NM0890010515, HWB-LANL-20-006* in November 2020. NMED-HWB determined that revised risk assessments were necessary to determine if the sample results met clean closure requirements. The review included comments regarding the incorrect and incomplete risk evaluations presented in the initial closure certification report. In response to the NMED-HWB's review, the report titled *Response to the Disapproval Closure Certification Report for Technical Area 16-399 Open Burn Unit, Los Alamos National*

Laboratory, EPA ID#NM0890010515 was submitted in March 2021 with revised risk assessment evaluations including the addition of analytical data collected at the site from 2009-2013 and updated risk evaluations.

The NMED-HWB issued a second disapproval letter, *Second Notice of Disapproval Closure Certification Report for Technical Area 16-399 Open Burn Unit Los Alamos National Laboratory, EPA ID#NM0890010515, HWB-LANL-20-006* on May 25, 2021. The disapproval included further comments for consideration to decrease the calculated risk levels in order to meet the required residential risk level scenario for clean closure. After integrating the NMED-HWB comments into the risk assessment and discussion with the NMED-HWB and technical staff, it was determined that further soil removal was the best method to achieve clean closure and *Response to Second Notice of Disapproval Closure Certification Report and Proposed Actions for Technical Area 16-399 Open Burn Unit Los Alamos National Laboratory, EPA ID#NM0890010515* was submitted to NMED-HWB on July 21, 2021. On August 3, 2021, the NMED-HWB approved the proposed path forward with *Approval Response to Second Notice of Disapproval Closure Certification Report and Proposed Actions for Technical Area 16-399 Open Burn Unit Los Alamos National Laboratory, EPA ID#NM0890010515, HWB-LANL-20-006*.

In November and December 2021, proactive source/soil removal actions in two separate areas were conducted to address elevated levels of dioxins/furans and barium. After evaluation of the resultant analytical results, it was determined that the excavation areas at the former burn tray contained unexpectedly elevated concentrations of barium and high explosives compounds. Based on these detections, a meeting was held with the NMED-HWB, NA-LA, Triad, and contracted subject matter experts to discuss potential paths forward. The parties decided that in accordance with Title 40 of the Code of Federal Regulations, Section (40 CFR §) 265.112(c)(3), an amendment of the approved closure plan is required to move closure of this unit forward. The amendment is categorized equivalent to a Class 2 permit modification as it meets the criteria at Appendix I to 40 CFR § 270.42 - Classification of Permit Modification, Item D.1.e. "Changes in approved closure plan resulting from unexpected events occurring during partial or final closure."

During recent technical meetings with the NMED-HWB, it was decided that the Permittees will submit a draft amendment request to the approved closure plan within 30 days of the January 11<sup>th</sup>, 2022 meeting in which the above referenced elevated levels of explosives and barium were communicated to the NMED-HWB. The draft amendment will include proposed options and solutions to meet the closure requirements in 40 CFR §265.111, Closure performance standard.

If you have questions, comments, or would like to discuss this notification, NA-LA and Triad would appreciate the opportunity. Please contact Karen E. Armijo, NA-LA, at (505) 221-3664, or Patrick L. Padilla, Triad, at (505) 412-0462 with meeting requests.

Sincerely,

JENNIFER  
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Jennifer E. Payne  
Division Leader  
Environmental Protection and Compliance Division  
Triad National Security, LLC  
Los Alamos National Laboratory

JEP/KEA/PLP

Sincerely,

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Karen E. Armijo  
Permitting and Compliance Program Manager  
National Nuclear Security Administration  
Los Alamos Field Office  
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