ESHID-603784

Environmental Protection and Compliance Division
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National Nuclear Security Administration
Los Alamos Field Office
3747 West Jemez Road, A316
Los Alamos, NM 87544
505-667-5794/Fax 505-606-5948

Symbol: EPC-DO-23-260
Date: August 7, 2023
LA-UR: 23-28963

Mr. Ricardo Maestas, Acting Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6313

Subject: Class 1 Permit Modification Request to Amend the Closure Plan Schedule for TA-16-399 Burn Tray, Revision 2.1

Dear Mr. Maestas:

The United States Department of Energy (DOE) National Nuclear Security Administration Los Alamos Field Office (NA-LA), in association with Triad National Security, LLC (Triad), submit to the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB) this request for a second Class 1 permit modification, with prior approval. The permit modification is for an extension of time to the schedule in the *Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2* (Closure Plan); approved with modifications on September 6, 2022. The NMED-HWB approved an extension of time on March 10, 2023, regarding time allowed for closure activities for the unit located at the Los Alamos National Laboratory (EPA ID# NM0890010515).

Closure Plan, Section 4.2, *Closure Schedule* and Table 1, *Closure Schedule for the Technical Area 16-399 Open Burning Treatment Unit* includes a requirement to complete all additional closure activities within 180 days of approved extension of time granted in March 2023. Based on the amended Closure Plan approval date, the additional closure activities must be completed by September 6, 2023.

Due to the continued complex coordination and planning necessary for field activities, including soil excavation, soil sampling, and soil disposition, additional time is required to complete closure activities; thus, the Permittees request an extension of 60 days to complete the field activities. The extension will enable NA-LA and Triad to continue to coordinate personnel and resources to safely complete the required closure activities as well as balance excavation activities with available space for accumulation of waste roll-off bins and organize the on-site movement prior to off-site shipment for disposal. Excavation of soil began in early May 2023, and coordination between personnel availability, bin movement and shipping scheduling, space constraints for accumulation of waste, and disposal facility acceptance of waste caused excavation delays. To date the Permittees have filled (within shipping and movement requirements) 33 roll-off bins of waste. The request for additional time will ensure that the

extent of the soil excavation is sufficient to remove contaminated soil present at the site and conduct confirmation sampling.

If approved, the new deadline for the completion of additional closure activities will be November 5, 2023. These activities include the excavation of soils and confirmation sampling. The Permittees drafted this permit modification request in accordance with the requirement of 40 CFR § 265.113(c)(2) and submit this Class 1 modification at least 30 days prior to the expiration date of September 6, 2023. Closure Plan, Section 4.2, *Closure Schedule* requires that "[i]n the event, closure of the Unit cannot proceed according to schedule, the NMED must be notified in accordance with the extension request requirements in 40 CFR § 265.113(b) and comply with the applicable closure requirements in 40 CFR § 265.113(b)(1) and (2)." This permit modification request was prepared in accordance with those sections and with 40 CFR § 270.42(a)(2); the change falls under the conditions of 40 CFR § 270.42 Appendix I, Item D.1(b) for a Class 1 modification with prior approval. A full description of the permit modification, the rationale for the classification type, proposed changes to the Closure Plan, and a signed certification are included in the enclosure to this letter.

Three hard copies and one electronic copy of this submittal will be delivered to the NMED-HWB. The hardcopy submittal contains pages or sections where text has been changed, rather than copies of the entire Closure Plan. The electronic copy, provided only to the NMED-HWB, contains a reproduction of the hardcopy in portable document format (pdf) along with all the word processing files used to create the hardcopy.

Notice of this permit modification will be sent to the NMED-HWB maintained LANL facility mailing list in accordance with 40 CFR § 270.42(a)(1)(ii) within ninety days of the NMED-HWB incorporating the changes.

If you have any questions for Triad or NA-LA, please contact Jason Hill (Triad) at 505-551-2218, jshill@lanl.gov or Robert Gallegos (NA-LA) at 505-901-3824, robert.gallegos@nnsa.doe.gov.

Sincerely,

JESSICA MOSELEY (Affiliate)
Digitally signed by JESSICA MOSELEY (Affiliate)
Date: 2023.08.04 14:31:03 -06'00'

Jessica L. Moseley
Acting Division Leader
Environmental Protection and Compliance Division
Triad National Security, LLC
Los Alamos National Laboratory

Sincerely,

Robert A. Gallegos
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Date: 2023.08.07 11:22:00 -06'00'

Robert A. Gallegos
Program Manager
Environmental Permitting and Compliance Programs
National Nuclear Security Administration
Los Alamos Field Office
U.S. Department of Energy

JLM/RAG/JSH

Enclosure: *Class 1 Permit Modification Request to Amend the Closure Plan Schedule for TA-16-399 Burn Tray, Revision 2.1*

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COPY

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Mr. Ricardo Maestas, Acting Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6313

Subject: Class 1 Permit Modification Request to Amend the Closure Plan Schedule for TA-16-399 Burn Tray, Revision 2.1

Dear Mr. Maestas:

The United States Department of Energy (DOE) National Nuclear Security Administration Los Alamos Field Office (NA-LA), in association with Triad National Security, LLC (Triad), submit to the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB) this request for a second Class 1 permit modification, with prior approval. The permit modification is for an extension of time to the schedule in the *Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2* (Closure Plan); approved with modifications on September 6, 2022. The NMED-HWB approved an extension of time on March 10, 2023, regarding time allowed for closure activities for the unit located at the Los Alamos National Laboratory (EPA ID# NM0890010515).

Closure Plan, Section 4.2, *Closure Schedule* and Table 1, *Closure Schedule for the Technical Area 16-399 Open Burning Treatment Unit* includes a requirement to complete all additional closure activities within 180 days of approved extension of time granted in March 2023. Based on the amended Closure Plan approval date, the additional closure activities must be completed by September 6, 2023.

Due to the continued complex coordination and planning necessary for field activities, including soil excavation, soil sampling, and soil disposition, additional time is required to complete closure activities; thus, the Permittees request an extension of 60 days to complete the field activities. The extension will enable NA-LA and Triad to continue to coordinate personnel and resources to safely complete the required closure activities as well as balance excavation activities with available space for accumulation of waste roll-off bins and organize the on-site movement prior to off-site shipment for disposal. Excavation of soil began in early May 2023, and coordination between personnel availability, bin movement and shipping scheduling, space constraints for accumulation of waste, and disposal facility acceptance of waste caused excavation delays. To date the Permittees have filled (within shipping and movement requirements) 33 roll-off bins of waste. The request for additional time will ensure that the

ENCLOSURE 1

Class 1 Permit Modification Request to Amend the Closure Plan Schedule for TA-16-399 Burn Tray, Revision 2.1

Los Alamos National Laboratory,

EPA ID# NM0890010515

EPC-DO-23-260
LA-UR-23-28963

U.S. Department of Energy,
National Nuclear Security Administration Los Alamos Field Office, and
Triad National Security, LLC

CERTIFICATION

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

JESSICA MOSELEY (Affiliate)
Digitally signed by JESSICA MOSELEY (Affiliate)
Date: 2023.08.04 14:30:34 -06'00'

8/4/23

Jessica L. Moseley
Acting Division Leader
Environmental Protection and Compliance Division
Triad National Security, LLC
Los Alamos National Laboratory

Date Signed

Robert A. Gallegos
Digitally signed by Robert A. Gallegos
Date: 2023.08.07 11:22:23 -06'00'

8/7/23

Robert A. Gallegos
Environmental Permitting and Compliance Program Manager
National Nuclear Security Administration
Los Alamos Field Office
U.S. Department of Energy

Date Signed

Class 1 Permit Modification Request to Amend the Closure Plan Schedule for TA-16-399 Burn Tray, Revision 2.1

This document contains a second Class 1 permit modification request, requiring prior approval from the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB), to update the *Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2, September 2022* (Closure Plan). The United States Department of Energy (DOE) National Nuclear Security Administration Los Alamos Field Office (NA-LA), in association with Triad National Security, LLC (Triad), collectively the Permittees, provide the Closure Plan modification herein for a unit located at the Los Alamos National Laboratory (EPA ID# NM0890010515).

A certification page, in accordance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR) § 270.11, is included with this enclosure. Attachment 1 of this modification request provides an updated title and footer for completeness, updated language in Closure Plan Section 4.2, *Closure Schedule,* and changes to the corresponding schedule in Closure Plan Table 1, *Closure Schedule for the Technical Area 16-399 Open Burning Treatment Unit*.

BASIS

This Permit modification was drafted in accordance with the extension request requirements in 40 CFR § 265.113(b)(1) and (2) and 40 CFR § 270.42 (a)(1) where the extension request meets the conditions for a Class 1 permit modification with prior approval (40 CFR §270.42 Appendix I, Item D.1(b)).

DESCRIPTION

After a delayed start, excavation of soil began in early May 2023 and coordination between personnel availability, weather restrictions, bin movement and shipping scheduling, space constraints for accumulation of waste, and disposal facility acceptance of waste have caused excavation delays. There is limited space for movement of full roll-off bins immediately near the excavation site by crane, and scheduling limitations for the trucks that move the bins to the secondary onsite accumulation area and then later off-site. Additionally, although we have not had difficulty meeting the 90-day accumulation time limit, the ability of the treatment/disposal facility to accept our waste has caused delays in excavation activities as we have awaited empty bins to be delivered and full bins to be shipped off-site. To date the Permittees have filled (within shipping and movement requirements) 33 roll-off bins of waste and request an additional 60 days to ensure that the extent of the soil excavation is sufficient to remove contaminated soil present at the site. The extension will enable the Permittees to continue to coordinate excavators, riggers, bins, trucks, and other personnel to safely complete the required excavation closure activities. Final confirmation soil sampling cannot be conducted until excavation activities are complete within the proposed area of excavation. If approved, the new deadline for the completion of additional closure activities will be November 5, 2023.

Closure Plan Section 4.2, *Closure Schedule* was updated to reflect the requested second extension of time. Closure Plan Table 1, *Closure Schedule for the Technical Area 16-399 Open Burning Treatment Unit* was also updated to reflect the requested second extension of time. All changes are identified in Attachment 1 using underlined, red text for additions and redline strikeout for deletions.

Attachment 1

Redline Edits of the Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2.1, August 2023

Los Alamos National Laboratory, EPA ID# NM0890010515

EPC-DO-23-0260
LA-UR-23-28963

Amended Closure Plan
Open Burning Treatment Unit
Technical Area 16-399 Burn
Tray, Revision 2.1

~~September 2022~~August 2023

Los Alamos
NATIONAL LABORATORY

iii. A description of all sample preservation, handling, labeling, and chain of custody procedures.

Closure of a Unit shall be deemed complete when: 1) all surfaces and equipment have been decontaminated, or otherwise removed and properly managed as waste; 2) closure has been completed in accordance with this Closure Plan and certified by an independent, professional engineer licensed in the State of New Mexico; and 3) a closure report including closure certification as required by 40 CFR 265.115, has been submitted to, and approved by, the Department. If residential clean-up levels are not achieved during closure, the Permittees shall submit a post closure care plan for approval by the Department. The proposed post closure care plan will be made available for public comment and opportunity for public hearing in accordance with applicable sections of 40 CFR §§ 265.118 and 270.

4.2 Closure Schedule

The following section provides the schedule of closure activities (also see Table 1 in this Closure Plan).

Closure activities must begin no later than 45 days after approval of this plan. However, in accordance with Permit Sections 9.4.1, 9.4.2 and 40 CFR § 265.112(e), removing hazardous wastes, decontaminating or dismantling equipment, in accordance with an approved Closure Plan, may be conducted at any time before notification of closure. The records review has been completed, and the structural assessment was conducted on July 19, 2012. The review and structural assessment are described in Sections 5.1.1 and 5.1.2 of the Closure Plan. An amendment to the plan allowing for soil removal at the site and the collection of verification samples to the extent necessary to meet closure performance standards was submitted to the plan in June 2022. Upon approval of the original Closure Plan, the Unit surfaces and related equipment was decontaminated or dispositioned as discussed in Section 5.2. Upon approval of the amended Closure Plan, soil removal, as discussed in Section 5.3, and associated confirmation sampling will be completed. All closure activities must be completed within ~~180~~240 days of the first extension date granted by the NMED on March 10, 2023. The second extension of an additional 60 days was requested from the NMED in August 2023. The final submittal of the revised closure certification report must be submitted to NMED 60 days after the Permittees' receipt of verification soil sample analytical data. In the event, closure of the Unit cannot proceed according to schedule, the NMED must be notified in accordance with the extension request requirements in 40 CFR § 265.113(b) and comply with the applicable closure requirements in 40 CFR § 265.113(b)(1) and (2).

4.3 Amendment of the Closure Plan

The Permittees may amend this Closure Plan in accordance with the requirements in 40 CFR § 265.112(c). If the results of the review or assessment require any changes to this Closure Plan (e.g., the sampling and analysis plan), the Permittees shall submit an amended Closure Plan to NMED, for review and approval, in accordance with this Section (4.3). Associated public comment periods and opportunities for public hearing will be in adherence with 40 CFR § 265.112(c).

Table 1. Closure Schedule for the Technical Area 16-399 Open Burning Treatment Unit

Activity	Maximum Time Required
Begin closure activities	45 days after approval of the Closure Plan
Conduct records review	Completed November 2012
Conduct structural assessment	Completed on July 19, 2012
Documentation of structural assessment	Submit to Department no later than 45 days after approval of Closure Plan
Complete all closure activities	No later than 180 days of initiating closure activities
Submit closure certification report to the Department	No later than 60 days after completion of closure activities
Begin soil removal	Within 45 days of approval of the amended Closure Plan
Complete all additional closure activities	Within 180 days of approval of the amended Closure Plan on September 6, 2022, then 180-day Extension (Beginning March 10, 2023), then within the additional 60-day Extension (no later than 11/5/2023)
Submit final closure certification report to the Department	No later than 60 days after receipt of confirmation sample analytical data

Note: The schedule above indicates calendar days in which the listed activities shall be completed from the day closure activities are initiated. Some activities may be conducted simultaneously.

Table 2. Hazardous Waste Constituents of Concern at the TA-16-399 Open Burning Treatment Unit[a]

Category	EPA Hazardous Waste Numbers	Specific Constituents
High explosives and associated compounds	D003	HMX, RDX, TNT, PETN, TATB, Tetryl, and mixtures of explosives including; ANFO, Composition B, Cyclotol, IMX-101, PBX 9404, PBX 9407, PBX 9501, PBX 9502, X0233, X0533, XTX 8003, XTX 8004, LX-02, LX-07, LX-10, and LX-14
Toxic Metals	D004, D005, D006, D007, D008, D009, D010, D011	Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, Silver
Semi-volatile Organic Compounds	D030, D036, F004	2,4-Dinitrotoluene, Nitrobenzene
Polyfluoroalkyl and Perfluoroalkyl Compounds		Perfluorobutanesulfonate, Perfluorobutanesulfonic acid (PFBS), Perfluorohexanesulfonate, Perfluorohexanesulfonic acid (PFHxS), Perfluorononanoate, Perfluorononanoic acid (PFNA), Perfluorooctanesulfonate, Perfluorooctanesulfonic acid (PFOS), Perfluorooctanoate, Perfluorooctanoic acid (PFOA), Potassium