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Identification and Notification of Newly Identified SWMUs, AOCs and Releases

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SWMUs, AOCs, and Releases**

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REVISION HISTORY

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EP-DIV-SOP-20016, R0	10/2/12	New document	Total Rewrite; Supersedes QP-5.8 and QP-5.9
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1. PURPOSE AND SCOPE

This standard operating procedure (SOP) states the responsibilities and describes the process for identifying newly identified solid waste management units (SWMUs) or areas of concern (AOCs), or newly discovered releases from SWMUs and AOCs, and providing required notification by Los Alamos National Security, LLC (LANS) and the Environmental Management Los Alamos office (EM-LA) to the New Mexico Environment Department (NMED). This procedure integrates the criteria of the Quality Assurance Plan for the Environmental Programs Directorate (ADEP), hereinafter referred to as the Quality Assurance Plan.

All ADEP participants shall implement this procedure when (1) determining whether conditions encountered in the field constitute a newly identified SWMU or AOC or a newly discovered release from a SWMU or AOC and (2) notifying EM-LA and ADESH of any such SWMUs, AOCs, or releases.

2. BACKGROUND AND PRECAUTIONS

2.1 Background

This procedure conforms to the requirements of sections V.C and V.D of the March 1, 2005 Compliance Order on Consent, as amended (Consent Order). These sections of the Consent Order require LANS and EM-LA to notify NMED within 15 days of discovery of any newly identified SWMU or AOC or any previously unknown release of a contaminant from a SWMU or AOC. The specific requirements for reporting are contained in sections V.C and V.D of the Consent Order and are reflected in this procedure.

Prior to conducting any new project activities at the Los Alamos National Laboratory (LANL or the Laboratory), project participants must submit a Project Requirements Identification (PRID) questionnaire and/or Excavation/Soil Disturbance Permit Review (EX-ID) for review and approval. The PRID and EX-ID will be reviewed by subject matter experts (SMEs) from ADEP who will identify any existing SWMUs or AOCs and associated releases within or impacting the proposed project. The SME's comments will also instruct the project participants to notify the Laboratory's Environmental Protection Division (ENV) if conditions encountered in the field are not consistent with the information provided in the SME's comments.

2.2 Precautions

Sections V.C and V.D of the Consent Order contain legally-enforceable requirements for notifying NMED of newly identified SWMUs or AOCs or any previously unknown release of contaminants from SWMUs or AOCs. Failure to comply with these requirements can subject LANS and EM-LA to significant penalties.

3. REFERENCES

Geographic Information System (GIS) - SWMU/AOC boundaries

(<http://gis-arcims-p/smdblocations/>)

QP-5.10, *Change Control for Spatial Features*

EP-DIR-AP-10020, Document Development for Environmental Programs

EP-AP-10003, *Records Management*

EP-DIR-SOP-10008, *Verification and Establishment of Boundaries for Solid Waste Management Units and Areas of Concern.*

4. DEFINITIONS

4.1 Definitions

1990 SWMU Report — The 1990 SWMU Report (LANL 1990, 7511.1, 7512.1, 7513.1, and 7514.1) is a hard copy compilation of information including, but not limited to, locations of SWMUs and AOCs and related possible contaminants at the time the Laboratory's RCRA Corrective Action Program was initiated.

Area of concern — As defined in Section III.B of the Consent Order, “means any area that may have had a release of hazardous waste or hazardous constituent, which is not a Solid Waste Management Unit.”

Hazardous constituent — As defined in Section III.B of the Consent Order, “means any constituent identified in 40 C.F.R. Part 261, Appendix VIII (incorporated by 20.4.1.200 NMAC) and any constituent identified in 40 C.F.R. Part 264, Appendix IX (incorporated by 20.4.1.500 NMAC).”

Hazardous waste — As defined in Section III.B of the Consent Order, “means any solid waste or combination of solid wastes which because of its quantity, concentration, or physical, chemical, or infectious characteristics meets the description set forth in NMSA 1978, Section 74-4-3(K), and is listed as a hazardous waste or exhibits a hazardous waste characteristic under 40 C.F.R. Part 261 (incorporated by 20.4.1.200 NMAC).”

4.1 Definitions (continued)

Newly identified SWMU or AOC — A SWMU or AOC, as defined by the Consent Order, not specifically identified by the 1990 SWMU Report or previous notifications to NMED discovered during the course of field investigations, construction activities, or other means. Newly identified SWMUs or AOCs do not include operational waste management units placed into service after publication of the 1990 SWMU Report or operational releases occurring solely after publication of the 1990 SWMU Report.

Release — Any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including abandoning or discarding barrels, containers, or other closed receptacles containing hazardous waste or hazardous constituents).

Solid waste — As defined in Section III.B of the Consent Order, “means any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include solid or dissolved materials in domestic sewage; or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).”

Solid waste management unit — As defined in Section III.B of the Consent Order, “means any discernible unit at which solid waste has been placed at any time, and from which the Department [NMED] 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. Such units include any area at the Facility at which solid wastes have been routinely and systematically released; they do not include one-time spills.”

5. STEP-BY-STEP PROCESS DESCRIPTION

5.1 Document Potential Newly Identified SWMUs and AOCs and Newly Discovered Releases

PRS Database Manager

- [1] Documents the potential new SWMU, AOC, or release following notification by ENV of a potential new SWMU, AOC, or release. Identifies its location and general characteristics and completes Part I of the SWMU/AOC/Release Evaluation Report (Attachment 1). This information should include a general description of the site, its location, and any evidence of wastes or hazardous constituent releases.
- [2] Determines whether the site has previously been identified as a SWMU or AOC. Reviews the SME comments on the associated PRID and/or EX-ID to identify nearby or impacted SWMUs and AOCs. Locates the site on the Laboratory's Geographic Information System (GIS) (<http://gis-arcims-p/smdblocations/>) to identify nearby SWMU/AOC boundaries. Consults the Potential Release Site (PRS) database to identify the most current documents (e.g., Historical Investigation Report, Investigation Work Plan, Investigation Report) containing descriptive information of nearby or impacted SWMUs and AOCs. Visits the potential new site to verify information. Completes Part II of the SWMU/AOC/Release Evaluation Report (Attachment 1).

If the site has previously been identified as a SWMU or AOC, go to Section 5.3.

5.2 Determine whether the site meets the definition of a SWMU or AOC

PRS Database Manager

- [1] Determines the dates of operation of the site and/or date that release occurred. These dates should be identified by reviewing historical information sources identified in Section 5.1, reviewing available historical engineering drawings or archival photographs of the site, and interviewing facility staff familiar with the site. If the site has only been used after November 1990 (the date of regulatory notification of SWMUs and AOCs at the Laboratory under the corrective action provisions of the Resource Conservation and Recovery Act [RCRA]), or the release occurred after November 1990, the site/release is not a corrective action unit subject to the Consent Order.
- [2] Documents the dates of operation or release in Part III of the SWMU/AOC/Release Evaluation Report (Attachment 1). If the dates are after November 1990, notification under the Consent Order is not required. Processes records in accordance with Section 6.

5.2 Determine whether the site meets the definition of a SWMU or AOC (continued)

[3] Recommends the regulatory status of the site to ER Program Director and ENV Division. The ER Program Director and ENV Division will then determine the regulatory status of the site. The process to be used for determining whether a site meets the regulatory definition of SWMU or AOC is shown in Attachment 2 (see definitions in Section 4). Assembles historical information related to use of the site, management of wastes at the site, and types and levels of contamination present at the site. If necessary to characterize site contamination, biased samples should be collected at the site and submitted for expedited analysis. Documents the site's status as a SWMU or AOC in Part III of the SWMU/AOC/Release Evaluation Report (Attachment 1). If the site does not meet the definition of SWMU or AOC, notification under the Consent Order is not required. Processes records in accordance with Section 6 of this procedure.

[4] If the site is determined to be a new SWMU or AOC, assigns a unique identifier to the new SWMU or AOC using the following convention:

SWMU/AOC XX-YYY(z);

Where:

XX is the Technical Area (TA) where the site is located.

YYY is the sequential number of SWMUs and AOCs in the TA

z is a sequential letter designator when multiple SWMUs or AOCs with the same description or process reside in a TA.

[5] If the site is determined to be a new SWMU or AOC, establishes boundary information and provides the geographical location information for the new SWMU or AOC to the ENV GIS Manager in accordance with EP-DIR-SOP-10008, *Verification and Establishment of Boundaries for Solid Waste Management Units and Areas of Concern*.

GIS Manager

[1] Updates the GIS with boundary information for the new SWMU or AOC in accordance with *Change Control for Spatial Features*, QP-5.10.

ENV Division

- [1] If the site is determined to be a new SWMU or AOC, notifies EM-LA.

- [2] Notifies the LANL Public Affairs Office, in coordination with ADEP's outreach staff, about the confirmation if the new SWMU or AOC is on the property of:
 - A private homeowner
 - Los Alamos County
 - Santa Fe County
 - The U.S. Forest Service
 - A pueblo
 - The Department of the Interior
 - The National Parks Service
 - The Bureau of Land Management
 - Other non-DOE sites.

- [3] If the site is determined to be a new SWMU or AOC, notification to NMED is required; go to Section 5.4. If the site is not a new SWMU or AOC, go to Section 5.3 to determine whether a newly discovered release has occurred.

5.3 Determine Whether Newly Discovered Release has Occurred

PRS Database Manager

- [1] Determines whether release was previously reported to the U.S. Environmental Protection Agency (EPA). Reviews the site description provided in the 1990 SWMU Report (this constitutes the Laboratory's official notification of historical releases at LANL subject to RCRA corrective actions). If previously reported, identifies the type of release reported to EPA (e.g., discharge from an outfall, leakage from waste containers) and the constituents released (e.g., organic solvents, dissolved metals). Compares this information with characteristics of the observed release to determine whether the release is described by the previous notification. If so, documents this determination in Part IV of the SWMU/AOC/Release Evaluation Report (Attachment 1). If the release was previously reported in the 1990 SWMU Report, notification under the Consent Order is not required. Processes records in accordance with Section 6 of this procedure.

5.3 Determine Whether Newly Discovered Release has Occurred (continued)

- [2] If the release was not previously reported in the 1990 SWMU Report, review the historical documents identified in Step 5.1 to determine whether release was previously reported to NMED or EPA through other documents. Document this determination in Part IV of the SWMU/AOC/Release Evaluation Report (Attachment 1). If the release was included in a previous notification, notification under the Consent Order is not required.
- [3] If the site is determined to be a newly discovered release from a SWMU or AOC, notifies EM-LA.
- [4] If the site is determined to be a newly discovered release from a SWMU or AOC, notification to NMED is required; go to Section 5.4. If the site is not a newly discovered release from a SWMU or AOC, skip Section 5.4 through 5.6 and process records in accordance with Section 6 of this procedure.

5.4 Notify NMED

ENV Division

- [1] Determines the date that notification to NMED must be submitted. The Consent Order requires notification to be submitted within 15 calendar days of discovery of any newly identified SWMU or AOC or previously unknown release of a contaminant from a SWMU or AOC. The 15-day period begins with the date that the determination is made, using this procedure, that a site is a newly identified SWMU or AOC or a release is a previously unknown release of a contaminant from a SWMU or AOC. The 15-day period does not begin with the initial identification of the site or release. Provides the notification date to ADEP Records Management and Document Control staff and documents in Part V of the SWMU/AOC/Release Evaluation Report (Attachment 1).

Records Management and Document Control

- [1] Enters the notification into the Correspondence Control and Action Tracking System as a formal deliverable with the ENV Division as the point of contact.

ENV Division

- [1] Prepares a draft of the notification letter jointly with EM-LA. The specific requirements for notification of a newly identified SWMU or AOC are contained in section V.C of the Consent Order. The specific requirements for notification of a newly discovered release from a SWMU or AOC are contained in section V.D of the Consent Order. If the site is a new radionuclide-only AOC or the newly discovered release is only radionuclides, the notification to NMED should state that the notification is for information purposes only and is not required under the Consent Order. Submits the draft notification letter to the Publications Team.

Publications Team Document Manager

- [1] Finalizes the notification for submittal to NMED in accordance with EP-DIR-AP-10020, Document Development for Environmental Programs.

ENV Division

- [1] If the site is a newly identified SWMU or AOC, a SWMU Assessment Report must be prepared; go to Step 5.5. If the site is a newly discovered release from a SWMU or AOC, skip Steps 5.5 and 5.6 and process records in accordance with Section 6 of this procedure.

5.5 SWMU Assessment Report

ENV Division

- [1] If the site is a newly identified SWMU or AOC, a SWMU Assessment Report must be submitted within 90 days of the date that the notification is submitted (see Consent Order section V.C). Determines the due date for the SWMU Assessment Report and provides it to ADEP Records Management and Document Control staff. Documents due date in Section V of the SWMU/AOC/Release Evaluation Report (Attachment 1).

5.5 SWMU Assessment Report (continued)

Records Management and Document Control

- [1] Enters the SWMU Assessment Report into the Correspondence Control and Action Tracking System as a formal deliverable with the ENV Division as the point of contact.

5.6 Update PRS Database

PRS Database Manager

- [1] Updates the PRS Database with the information related to the new SWMU or AOC provided in the NMED notification letter.

6. RECORDS PROCESSING

PRS Database Manager

- [1] Ensures that documents generated by the performance of this procedure are processed as follows:

Record Identification	Record Type Determination	Protection/Storage Methods	Processing Instructions
SWMU/AOC/Release Evaluation Report	Report	Submit records in accordance with EP-AP-10003, <i>Records Management</i>	Submit records in accordance with EP-AP-10003, <i>Records Management</i>
Supporting information attached in SWMU/AOC/Release Evaluation Report	Report		

7. ATTACHMENTS

Attachment 1, SWMU/AOC/Release Evaluation Report

Attachment 2, Decision Process for Determining Whether a Newly Identified PRS is a SWMU or AOC

ATTACHMENT 1

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SWMU/AOC/Release Evaluation Report

Part I: General Information	
Date discovered: _____ General location: _____ Engineering structure number: _____	Technical area where potential release site is located TA-_____ Location of nearest structure(s): _____
Person discovering site or release: Name: _____ Organization: _____ Phone: _____	
Description of site (type and location or waste or structures, evidence of contaminant releases, etc.): _____ _____ _____	
Part II: SWMU/AOC Reporting Status	
Is the site a SWMU or AOC previously reported to EPA or NMED (i.e., is it listed in the PRS database)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes: SWMU/AOC No. _____ Previous notification: <input type="checkbox"/> 1990 SWMU Report <input type="checkbox"/> Notification under Module VIII of 1990 RCRA Permit <input type="checkbox"/> Notification under Section V.C of Consent Order Date and ER-ID number of previous notification (if not 1990 SWMU Report): _____	
Part III: Regulatory Status (Complete if site was not previously reported)	
Period of operation or release: from: _____ to: _____ If no operation or release occurred prior to November 1990, site is not a new SWMU or AOC.	
Supporting information for operating/release dates (i.e., operating records, engineering drawings, personnel interviews): Identify references for supporting information. Attach supporting information not previously submitted to RPF: _____ _____ _____	
Results of regulatory status determination using process in Attachment 2: <input type="checkbox"/> Not SWMU or AOC <input type="checkbox"/> SWMU <input type="checkbox"/> AOC <input type="checkbox"/> Radionuclide only AOC	

ATTACHMENT 1

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SWMU/AOC/Release Evaluation Report

Summarize basis for regulatory determination (e.g., method and frequency of disposal/release, waste characteristics, sampling results, etc). Identify references for supporting information. Attach supporting information not previously submitted to RPF: _____

Does the site intersect on private property? Yes No

Identify owner of property: _____

Part IV: Release Reporting Status

If the site is a SWMU or AOC previously reported to EPA or NMED (see Part II), is the observed release consistent with the nature of the release in the previous notification?

Yes No

Summarize basis for above determination (e.g., type of release is same as previously reported, constituents in release are same as previously reported, etc). Identify references for supporting information. Attach supporting information not previously submitted to RPF: _____

Part V: Reporting Requirements

- None
- Notification of new SWMU or AOC under Section V.C of Consent Order Due Date: _____
- SWMU Assessment Report under Section V.C of Consent Order Due Date: _____
- Notification of new Release under Section V.D of Consent Order Due Date: _____

ENV Division Signature: _____ Date: _____

ATTACHMENT 2

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Decision Process for Determining Whether a Newly Identified PRS is a SWMU or AOC

