



ESHID-603691

MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

April 8, 2022

Steven Hoffman, 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: REQUEST FOR SUPPLEMENTAL INFORMATION
 REQUEST TO AMEND CLOSURE PLAN OPEN BURNING TREATMENT UNIT TECHNICAL AREA 16-
 399 OPEN BURN UNIT
 LOS ALAMOS NATIONAL LABORATORY
 EPA ID#NM0890010515
 HWB-LANL-20-006**

Dear Mr. Hoffman 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) *Request to Amend Closure Plan Open Burning Treatment Unit Technical Area 16-399 Open Burn Unit* (Request) dated and received February 10, 2022, referenced by EPC-DO-22-042/LA-UR-22-20857.

On January 31, 2022, the Permittees submitted the *Notification of Need to Amend Approved Closure Plan, Technical Area 16-399 Burn Tray*, due to the presence of unexpected barium and high explosive compounds within the burning mound. NMED met with the Permittees to discuss this development on February 10, 2022, and on March 7, 2022. NMED determined that in accordance with 40 CFR § 265.112(c)(3), the Permittees must provide the public with an opportunity to comment on the amended closure plan. The discovery of contaminated fill material that was previously used to create the mound during implementation of the approved closure plan requires an amendment of the approved closure plan and must meet the criteria of 40 CFR § 270.42 Appendix I, item D.1.e. The Permittees must submit a Class 2 Permit Modification Request and meet all regulatory requirements for a Class 2 Permit Modification. The Permittees must revise the human health and ecological risk assessment to include the additional data that would be collected in accordance with the revised Closure Plan that demonstrates that performance standards for closure are met.

U2200416

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

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

NMED is reviewing the Request, but to complete the review the following supplemental information is needed:

1. Section 1.0, Introduction

The newly added text (last paragraph) indicates that due to the unexpected discovery of elevated concentrations of barium under the former burn try, additional removal activities are needed. While elevated levels of barium were noted, the 2021 data also indicated elevated levels of explosives, resulting in excess risk for clean closure (e.g., 4-amino, 2,6-dinitrotoluene). The 2021 data also resulted in excess ecological risk due to metals and explosives. The text should clarify that additional removals are due to excess metals and explosives.

2. Section 5.3, Removal of Soil

- a. The description should be modified to discuss staging of waste piles, during the time the waste is being characterized to determine whether the waste is hazardous, and to ensure it is compliant with the 90-day accumulation area requirements.
- b. The text states that soil removal will occur within the fenced area and that soil removal will be guided using previous data and field testing. Since 100% characterization along the fence line has not been completed, it is possible that proposed removals may need to extend outside of the fenced area. Removals should be conducted such that it is sufficient to meet the closure and risk assessment goals for clean closure. The text should be revised to clarify that removal will primary be within the fenced area but will be conducted as needed to meet closure standards.

3. Section 6.2.1, Soil Sampling

The Permittees must provide additional details about the proposed five (5) additional surface and two (2) additional subsurface samples to address the subsurface residual contamination including:

- a. the location of proposed samples,
- b. the distance between sampling locations,
- c. proposed field screening methods to be used (for example, HE spot test, XRF etc.,) to direct sampling and excavation
- d. criteria for excavation of contaminated soils, and
- e. final confirmation sampling.

The Permittees must provide a justification that the proposed depths will be adequate to define the nature and extent of contamination at TA 16-399. NMED's understanding is that the barium contamination is potentially from the soil used to construct the burn area and the contamination is likely to be predominantly subsurface, therefore NMED does not agree that the two (2) subsurface depths may be sufficient to define the nature and extent of contamination at the unit. In addition, please clarify whether the proposed depths are from surface or exposed surface.

U2200416

4. Figures

The Permittees must provide two (2) additional figures:

- a. depicting the previous soil sampling locations, analytical results, and excavated areas completed prior to this request, and
- b. the proposed step-out soil sampling locations to address the residual contamination (as discussed in Section 6.2.1).

The Permittees must respond to NMED's comments and submit 3 hard and at least 1 electronic copy of the Amended Closure Plan. The hard copies must also include a table of revisions, a summary describing changes to the Plan, a final copy of the Plan, a redline strikeout version of the Plan, and a compact disc with analytical data. The response must be submitted to NMED **no later than sixty (60) calendar days** from the date of this letter.

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

Sincerely,

Rick Shean
Digitally signed by Rick Shean
Date: 2022.04.08 09:24:13 -06'00'

Rick Shean
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
locateteam@lanl.gov
epccorrespondence@lanl.gov

File: 2021 LANL, TA-16, Request for Information for the Revised Closure Certification Report OB Unit
16-399
LANL-20-006

U2200416

U2200416

From: [Martinez, Cynthia, ENV](#)
To: [Hoffman, Stephen](#); [Payne, Jen](#)
Cc: [Shean, Rick, ENV](#); [Dhawan, Neelam, ENV](#); [Briley, Siona, ENV](#); [Schatz, Mitchell, ENV](#); [Laurie King](#); [Armijo, Karen](#); [Duran, Arturo O.](#); etorres@lanl.gov; [Padilla, Patrick L](#); adesh-records@lanl.gov; [locatesteam](#); epc-correspondence@lanl.gov
Subject: [EXTERNAL] Letter to Mr. Hoffman and Ms. Payne
Date: Monday, April 11, 2022 7:38:53 AM
Attachments: [Request for Info Amend Closure Plan for 16-399 4-8-22.pdf](#)

Good Morning,
Please see attachment.

Cynthia Martinez
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Bldg.1
Santa Fe, New Mexico
505-476-6000

U2200416