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Rec'd 12/28/21
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CABINET SECRETARY

December 28, 2021

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Office of Quality and Regulatory Compliance
Environmental Management
Los Alamos Field Office
1200 Trinity Drive, Suite 400
Los Alamos, NM 87544

Joseph Murdock
Program Manager
Environment, Safety and Health
N3B-Los Alamos
1200 Trinity Drive, Suite 150
Los Alamos, NM 87544

**RE: REQUEST FOR 30-DAY EXTENSION FOR CENTRAL ACCUMULATION AREA
MIDDLE DP ROAD WASTE
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-20-022**

Dear Messrs. Bishop and Murdock:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE), and Newport News Nuclear BWXT-Los Alamos (N3B), collectively referred to as the Permittees', *Request for 30-day Extension for Central Accumulation Area Middle DP Road Waste* (Request) dated December 23, 2021 (referenced by N3B-2021-0464).

The Permittees have provided insufficient information in the Request for NMED to consider the extension. It is not clear when the 90-day storage of hazardous waste in the central accumulation area (CAA) started. The Permittees have not specified when the requested 30-day extension begins. For NMED to consider the Request, the Permittees must provide the following information:

1. The dates the CCA at Technical Area 21 were established by the Permittees.
2. The dates CCA started receiving hazardous wastes, the dates of waste generation.
3. The dates waste was determined to be hazardous; the dates characterization data was received by the Permittees and analytical methods used to make the determination.
4. The status of characterization of all 194 roll-off/roll-on containers. The number of containers that have been determined to contain hazardous waste to date. The number of containers that are awaiting characterization.

In addition, on December 17, 2021, the Permittees notified NMED via email of waste management approach changes for the waste located at Technical Area 21. On December 28,

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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

2021, NMED responded with a Request for Information (RFI), which is enclosed with this letter. NMED will not be able to make a decision until the above requested information and the information required by RFI is provided. NMED will review the supplemental information provided by the Permittees before making the decision on this Request.

If you have any questions regarding this letter, please contact Siona Briley of my staff at (505) 690-5160 or via email at siona.briley@state.nm.us

Sincerely,

Rick Shean
Digitally signed by
Rick Shean
Date: 2021.12.28
14:49:14 -07'00'

Rick Shean
Chief
Hazardous Waste Bureau

Enclosure- RFI

cc w/ enclosure:

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File: 2021 LANL, TA -21, Request for 30-day Extension for Central Accumulation Area Middle
DP Road Waste
LANL-20-022

Enclosure: Request for Information (RFI)

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE), and Newport News Nuclear BWXT-Los Alamos (N3B), collectively referred to as the Permittees', email titled *Notification of MDPR Waste Management Approach Changes* on Friday Dec. 17, 2021.

Permittees' statement: "Waste characterization sampling data from the analytical data collected from prior excavations and remediation (soil stockpiles that were packaged into 54 roll-on/roll-off bins) did not identify any hazardous constituents at levels of concern. Therefore, we were managing excavated material from MDPR as low-level waste (LLW)."

Please provide the following supplemental information for the entire waste generated at MDPR Site:

1. Methods employed by site personnel (e.g., visual inspection, TCLP analysis, etc.) and or the type of field screening performed by DOE and its subcontractors, to characterize waste, during prior excavations and remediation, and prior to packaging the waste into roll-on/roll-off bins.
2. Timeline of sample collection, excavation, and waste characterization.
3. Documentation of labeling, storage location, inspections, etc. of stockpiled soils.
4. Records of previous and current labels of roll-on/roll-off bins.
5. Waste profile forms, and waste manifests.
6. Hazardous waste training records for all employees who handled, packaged and transported waste generated at this site.

Permittees' statement: "On Monday, December 13, validated waste characterization data for 33 waste roll-on/roll-off bins was received and reviewed. A review of the data showed two of the 33 waste bins exceeding the toxicity characteristic leaching (TCLP) procedure regulatory limit for cadmium. As a result, on Tuesday, December 14, two Central Accumulation Areas (CAAs) were established, one at TA-21 and one at the MDPR site. In addition, containers for which waste characterization analytical data have not been received have now been labeled as "hazardous waste" pending analysis. The two mixed-LLW waste containers are being prepared for shipment."

Previous communications to NMED indicated that remediation was completed in September 2021, but the above statement indicates that the Permittees did not perform TCLP analysis on the roll off-bins until December 2021. Please provide a summary of the analysis that was performed for the excavated samples, and a justification for delay in characterizing the waste stored in the roll-off bins.

In addition to the status of the 33 containers mention above, please provide the status of the remaining 21 of 54 roll-on/roll-off bins, especially in relation to waste characterization.

Permittees' statement: "During our fieldwork efforts, we generated over 250 times the planned volume of waste. It is important to note that due to the age and source of the plutonium at the site, it is difficult to detect using field instruments. Therefore, small aliquots had to be sent for radiological characterization before full-suite waste characterization samples could be shipped for chemical analyses. This added several weeks to the characterization confirmation process. Please provide a timeline of sample shipments, and a timeframe of shipments relative to the originally estimated time frame in the work plan."

NMED is concerned that the site characterization was completed based on field instruments that are incapable of detecting early age plutonium. Specifically, NMED is concerned that excavated material that was put back in the excavation areas may have been contaminated with plutonium, which was not detected by the field instrumentation. Please discuss the impact of the field instruments' limitations on the characterization of this site. Also, please provide a discussion of impacts on the locations where overburden was put back in the excavation areas based on field screening results.