

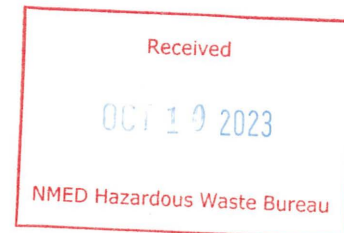


**DEPARTMENT OF ENERGY**  
 Environmental Management Los Alamos Field Office (EM-LA)  
 Los Alamos, New Mexico 87544

EMLA-23-BF316-2-1

October 10, 2023

Mr. Rick Shean  
 Designated Agency Manager  
 Hazardous Waste Bureau  
 New Mexico Environment Department  
 2905 Rodeo Park Drive East, Building 1  
 Santa Fe, NM 87505-6313



**Subject:** Request for Certificates of Completion for Five Solid Waste Management Units 73-001(a-d) and 73-004(d) Associated with the Los Alamos County Airport Landfill in the Pueblo Canyon Aggregate Area

**References:**

1. U.S. Department of Energy Environmental Management Los Alamos Field Office letter, A. Duran to K. Pierard, "Request for Certificates of Completion for Five Solid Waste Management Units in the Pueblo Canyon Aggregate Area," dated July 7, 2020
2. Dwyer Engineering, LLC, March 2017, "Long-Term Monitoring Plan, Los Alamos County Airport Landfill Cover Replacement, Solid Waste Management Units 73-001(a,d), Technical Area 73," prepared for Department of Energy Environmental Management Los Alamos Field Office
3. New Mexico Environment Department letter, J. Kieling to D. Hintze, "Approval, Long-Term Monitoring Plan for Los Alamos County Airport Landfill Cover Replacement, Solid Waste Management Units 73-001(a,d), Technical Area 73," dated March 30, 2017
4. New Mexico Environment Department letter, R. Shean to A. Duran, "Request for Certificates of Completion for Five Solid Waste Management Units in the Pueblo Canyon Aggregate Area," dated November 29, 2021
5. U.S. Department of Energy Environmental Management Los Alamos Field Office and Newport News Nuclear BWXT-Los Alamos, LLC letter to R. Maestas from A. Duran and T. Thomson, "Request to Reduce Frequency of Monitoring for the Los Alamos County Airport Landfill Cover System, Solid Waste Management Units 73-001(a,d) in Technical Area 73," dated June 27, 2023

Dear Mr. Shean,

On July 7, 2020, the U.S. Department of Energy (DOE) Environmental Management Los Alamos Field Office (EM-LA) submitted a request to the New Mexico Environment Department (NMED) for certificates of completion for the following five solid waste management units (SWMUs) in the Pueblo Canyon Aggregate Area (Reference 1):

- SWMU 73-001(a), Landfill
- SWMU 73-001(b), Soil Contamination from Former Waste Oil Pit
- SWMU 73-001(c), Bunkers

- SWMU 73-001(d), Landfill
- SWMU 73-004(d), Soil Contamination from Former Septic Tank

These five SWMUs are all associated with the Los Alamos County airport landfill. Corrective actions implemented at these sites under the 2005 Compliance Order on Consent (Consent Order) and 2016 Consent Order have been completed, and the sites are now undergoing long-term monitoring and maintenance in accordance with a long-term monitoring plan (LTMP) (Reference 2) that was approved by NMED on March 31, 2017 (Reference 3). DOE requested certificates of completion with controls for these five sites; the controls consist of implementation of the monitoring, maintenance, and reporting required by the LTMP.

On November 29, 2021, NMED issued a response to the request for certificates of completion (Reference 4). NMED's response stated that, according to the LTMP, a performance of the remedy report must be submitted to NMED after the initial 5 yr of monitoring, along with a monitoring plan going forward. NMED noted that the performance of the remedy report and monitoring schedule had not been provided for review, so NMED could not consider the request for the certificates of completion for the five SWMUs in question. NMED indicated that they had discussed submittal of the performance of the remedy report and the monitoring schedule with DOE on November 15, 2021, and agreed that DOE would submit the performance of the remedy report and revised monitoring schedule after the next two quarters of monitoring were completed. NMED would consider the request for certificates of completion after completing review of the performance of the remedy report and the revised monitoring schedule.

On June 27, 2023, following completion of 5 yr of monitoring under the LTMP, DOE submitted a request to reduce the frequency of monitoring for the Los Alamos County airport landfill cover system (Reference 5). This request also included a summary of the monitoring requirements, the cover performance criteria, and the performance success of the landfill cover system, which constitute the components of the performance of the remedy report and revised monitoring plan required by the LTMP. The performance summary report indicated that the landfill cover and related appurtenances have functioned as designed and in conformance with the objectives stated in the LTMP. Based on the results of the performance evaluation, DOE requested agreement from NMED to reduce the inspection frequency of the cover and related appurtenances from quarterly to semiannually.

DOE respectfully requests that NMED consider the July 7, 2020, request for certificates of completion (Reference 1) following their review of the performance of the remedy report submitted with the June 27, 2023, request for reduction in the frequency of monitoring (Reference 5).

Per Section XXIII.D of the Consent Order, EM-LA sought to reach agreement with NMED on a review schedule by which NMED will review and approve or disapprove this submission.<sup>1</sup> Consistent with Section XXIII.D and Appendix D (Document Review/Comment and Revision Schedule) of the Consent Order, EM-LA proposed a 120-day period for NMED to review and approve or disapprove this submission. NMED failed to respond to EM-LA's proposal. Because of NMED's failure to respond, EM-LA and NMED were unable to reach agreement on the review schedule by which NMED will review and approve or disapprove the submission. A copy of the correspondence from EM-LA to NMED regarding NMED's review schedule is included as Enclosure 1.

It is crucial that NMED commits to a review schedule of EM-LA's submissions for EM-LA to be able to timely and effectively plan for—and expeditiously execute—legacy waste remediation through the Consent Order corrective action process. Moreover, such commitment from NMED needs to be in accordance with the Consent Order.

If you have any questions, please contact Christian Maupin at (505) 695-4281 ([christian.maupin@em-la.doe.gov](mailto:christian.maupin@em-la.doe.gov)) or Cheryl Rodriguez at (505) 414-0450 ([cheryl.rodriguez@em.doe.gov](mailto:cheryl.rodriguez@em.doe.gov)).

Sincerely,

**ARTURO  
DURAN**

Digitally signed by  
ARTURO DURAN  
Date: 2023.10.03  
06:29:49 -06'00'

Arturo Q. Duran  
Compliance and Permitting Manager  
U.S. Department of Energy  
Environmental Management  
Los Alamos Field Office

Enclosure(s):

1. Two hard copies with electronic files:  
Email from A. Duran (EM-LA) to R. Shean (NMED), September 19, 2023, "Request for Certificates of Completion for five solid waste management units associated with the Los Alamos County Landfill in the Pueblo Canyon Aggregate Area"

---

<sup>1</sup> Section XXIII.D states, in pertinent part:

"Prior to DOE's submission of any work plan or report required by Sections XIII, XVI, XVIII, XIX, or XV (Facility Investigation, Corrective Measures Evaluation, Corrective Measures Implementation, Accelerated Corrective Action, Interim Measures), **the Parties agree to reach agreement on review schedules by when NMED will review and approve or disapprove DOE's submission(s).**" "If NMED action on a DOE submission is not completed in accordance with an agreed-upon review schedule, the submittal will be **deemed approved**" (emphasis added). EM-LA recognizes that "NMED may request a single extension for a specified number of days to an agreed-upon review schedule."

cc (letter and enclosure[s] emailed):

Laurie King, EPA Region 6, Dallas, TX

Steve Yanicak, NMED-DOE-OB

Neelam Dhawan, NMED-HWB

Ricardo Maestas, NMED-HWB

Kylian Robinson, NMED-HWB

Jeannette Hyatt, LANL

Stephen Hoffman, NA-LA

John Evans, EM-LA

Brian Harcek, EM-LA

Thomas McCrory, EM-LA

Michael Mikolanis, EM-LA

Kent Rich, EM-LA

Cheryl Rodriguez, EM-LA

Susan Wacaster, EM-LA

William Alexander, N3B

Kristi Beguin, N3B

Brenda Bowlby, N3B

David Diehl, N3B

Robert Edwards III, N3B

Michael Erickson, N3B

Luke Hill, N3B

Dana Lindsay, N3B

Christian Maupin, N3B

Vince Rodriguez, N3B

Bradley Smith, N3B

Jeffrey Stevens, N3B

Troy Thomson, N3B

Patricia Wald-Hopkins, N3B

[emla.docs@em.doe.gov](mailto:emla.docs@em.doe.gov)

[n3brecords@em-la.doe.gov](mailto:n3brecords@em-la.doe.gov)

Public Reading Room (EPRR)

PRS website

**From:** [Arturo Duran](#)  
**To:** [Shean, Rick, ENV](#)  
**Cc:** [Dhawan, Neelam, ENV](#)  
**Subject:** Request for Certificates of Completion for five solid waste management units associated with the Los Alamos County Landfill in the Pueblo Canyon Aggregate Area

---

Dear Rick,

DOE EM-LA will be submitting for your review and approval a request for Certificates of Completion for five solid waste management units associated with the Los Alamos County Landfill in the Pueblo Canyon Aggregate Area.

Per Section XXIII.D of the 2016 Compliance Order on Consent (Consent Order), DOE EM-LA proposes a 120 day period for NMED to review and approve or disapprove EM-LA's submission of the request for Certificates of Completion for five solid waste management units associated with the Los Alamos County Landfill in the Pueblo Canyon Aggregate Area.

The 120 day review period will start from the date this document is submitted to NMED.

EM-LA requests NMED's agreement with the review period as proposed above. This review period is consistent with the 120 day period for NMED to review requests for Certificates of Completion set forth in Appendix D of the Consent Order.

Section XXIII.D of the Consent Order provides that "[prior to DOE's submission of any work plan or report required by Sections XIII, XVI, XVIII, XIX, or XV (Facility Investigation, Corrective Measures Evaluation, Corrective Measures Implementation, Accelerated Corrective Action, Interim Measures), the Parties agree to reach agreement on review schedules by when NMED will review and approve or disapprove DOE's submission(s)."

Please let me know if NMED agrees with the proposed 120 period for NMED to review and approve or disapprove this request.

Thank you

Arturo