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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 28, 2023



Theodore A. Wyka, Manager
National Security Administration
Los Alamos National Laboratory
3747 West Jemez Road, A 316
Los Alamos, NM 87544

Jennifer Payne, Division Leader
Environment Protection and Compliance Division
Triad National Security, LLC
P.O. Box 1663, MS M969
Los Alamos, NM 87545

**RE: ADMINISTRATIVELY INCOMPLETE DETERMINATION
CLASS 2 PERMIT MODIFICATION FOR THE ADDITION OF NEW HAZARDOUS WASTE
MANAGEMENT UNIT AT TECHNICAL AREA 60
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-23-014**

Dear Theodore Wyka and Jennifer Payne:

On March 13, 2023, the New Mexico Environment Department (NMED) received the United States Department of Energy (DOE), Triad National Security (Triad), LLC, and Newport News Nuclear BWXT-Los Alamos, LLC (N3B) (collectively referred to as the Permittees) *Request for Class 2 Permit Modification for the Addition of New Hazardous Waste Management Unit at Technical Area 60* (Request) referenced by EPC-DO-23-086/LA-UR-23-21636. The Request is made in accordance with 40 Code of Federal Regulations (CFR) 270.42, Appendix I, Item F.1.b to add storage and F.1.c to add treatment by macroencapsulation. The Request will result in an increased storage capacity of no greater than 0.3 percent for the Facility and meets the technical requirements for a Class 2 Permit Modification Request.

On March 15, 2023, NMED identified a typographical error, and subsequently, a revised Permit Attachment B was provided on April 11, 2023. On April 12, 2023, NMED notified the Permittees via email of additional waste code processing errors in the revised Permit Attachment B, Part A Form. On May 18, 2023, the Permittees submitted *Second Correction to Attachment 1 Part A Application Form for the Class 2 Permit Modification to the Los Alamos National Laboratory Hazardous Waste Facility Permit* referenced by EPC-DO-23-155/LA-UR-23-24574 (Second Correction). The errors have been corrected and the resubmitted Attachment B is acceptable.

However, in accordance with 20.4.1.900 NMAC, incorporating 40 Code of Federal Regulations (CFR) 270.14, NMED has determined that the information provided in the seismic report is administratively and technically incomplete in accordance with 270.14(b)(11)(ii)(B) which states:

“If faults (to include lineations) which have had displacement in Holocene time are present within 3,000 feet of a facility, no faults pass within 200 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted,

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based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within 200 feet of such portions of the facility data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than 200 feet from portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within 3,000 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of faults found.”

NMED is providing a written notice in accordance with the New Mexico Hazardous Waste Permit and Corrective Action Fees and Regulations, 20.4.2.201(b)(2)(b) NMAC. NMED’s comments are provided as an Enclosure with the letter. The Permittees must address the comments before an administratively complete determination can be made by the NMED.

The Permittees’ response must be submitted to NMED in the form of 3 physical copies and at least one electronic copy. The response and requested information must be submitted **no later than sixty (60) days** from the date of the receipt of this letter.

If you have any questions regarding this letter, please contact Neelam Dhawan of my staff at (505) 690-54690 or via email at neelam.dhawan@env.nm.gov.

Sincerely,

Ricardo Maestas

Digitally signed by Ricardo

Maestas

Date: 2023.06.28 11:29:17 -06'00'

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

Enclosure: NMED Comments

Cc with Enclosure :

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File: 2023 LANL, Permit, Administratively Incomplete Determination Class 2 Permit Modification for the Addition of New Hazardous Waste Management Unit at Technical Area 60
LANL-23-014

Enclosure: NMED Comments

Attachment 2 Seismic Report for the TA-60 Facility:

1. Section 5, Local Field Reconnaissance at TA-60, page 9:

The summary of local field reconnaissance at Technical Area 60, included a visual inspection of surface conditions along the southern portion of the unit between Eniwetok Road. However, the field visit did not include any subsurface exploration nor visual inspection of the northern portion of the 200-foot buffer as required by 40 CFR 270.14 (b)(11)(B). The Permittees must conduct a visual geologic inspection of the northern portion unit within the 200-foot buffer and must provide field notes, and photos of the areas inspected.

2. Plate 2, page 16

NMED has identified three (3) potential fault line locations for additional subsurface review along the northern portion of the 200-foot buffer zone, from West to East, the fault traces of interest are labeled 2'DTW, 2'DTE, and 3'DTW respectively. The mapped traces provided by DOE support an interpretation of multiple fault blocks in an anastomosing zone. It suggests that the assumption of linear displacement which finds the Rendija fault to be "dying out south of Twomile Canyon" is not clearly supported. Kelley. wrote in 2007 that in this ~8 km wide region, "changes along strike and width of the zones of deformation are indicative of complex interplay of fault tip growth, connective growth among various faults, and the effects of mechanical stratigraphy" (Kelley et al, 2007, page 102).

NMED would like to set up a meeting with your technical staff at your earliest convenience to discuss potential trenching locations, and a path forward to close this data gap. NMED is unable to make the determination of Administratively Complete until an adequate response has been submitted and reviewed.

References:

Shari Kelley, Jamie Gardner, Claudia Lewis, Kirt Kempter, Margaret Anne Rogers, Dave Broxton, Dave Vaniman, Fraser Goff, and Jennifer Whiteis, "Geology of the Los Alamos Area: Third-Day Road Log." In Geology of the Jemez Region II, edited by Barry S. Kues, Shari A. Kelley, and Virgil W. Lueth, 2007.