



MICHELLE LUJAN GRISHAM
GOVERNOR

 **ENTERED**
JAMES C. KENNEY
CABINET SECRETARY

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 6, 2023

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

Jeannette Hyatt, Senior Division Leader
Environment and Waste Programs
Triad National Security, L.L.C
P.O. Box 1663, MS K491
Los Alamos, NM 87544

**RE: APPROVAL
EXTENSION TO RESPOND TO 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 Jeannette Hyatt:

On August 22, 2023, the New Mexico Environment Department (NMED) received the United States Department of Energy (DOE), Triad National Security (Triad), LLC, (collectively referred to as the Permittees) *Request for Extension to Respond to Administratively Incomplete Determination Class 2 Permit Modification for the Addition of New Hazardous Waste Management Unit at Technical Area 60 Los Alamos National Laboratory* (Extension Request) as referenced by EPC-DO-23-269/LA-UR-23-29298.

On June 28, 2023, NMED issued an *Administratively Incomplete Determination Class 2 Permit Modification for the Addition of New Hazardous Waste Management Unit at Technical Area 60 Los Alamos National Laboratory* providing a 60-day deadline to respond to NMED comments on the demonstration of the seismic hazard in accordance with 40 CFR 270.14(b)(11)(ii)(B).

On August 3, 2023, NMED met with the Permittees and discussed data gaps in the seismic report; most notably, the lack of supporting documentation demonstrating that no Holocene faults pass within 200 feet of the Facility. The Seismic Report did not identify original surfaces within the Facility which could be used to observe fault lineaments and proposed, that aerial photographs could be used in delineation of lineaments in lieu of trenching. NMED noted typical vegetation patterns on apparently undisturbed paleosurfaces north of the parking lot and inside the fence line from satellite photographs, and proposed additional site observation and stereographic photographs to be provided for review.

NMED notes that the 1982 EPA *Guidance for the Location Standards-Locating Hazardous Waste Facilities in Seismically Active Areas* requires that sufficient proof of meeting the 200-foot requirement does allow

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for stereographic photographs to be used to document findings in lieu of trenching but does not allow aerial photographs.

NMED and the Permittees also briefly discussed researching additional techniques that could provide the required documentation if the photographs were insufficiently documented or incorrectly interpreted. NMED and the Permittees agreed to schedule a site visit with NMED and both entities' seismic geologists in mid-September.

The site visit is scheduled after the 60-day response deadline (August 27, 2023), to accommodate the scheduling of seismic geologists and obtaining visitor badges. NMED finds the request reasonable since it will ensure the completeness of a response and will ensure better protection of human health and the environment.

NMED issues this approval of the 60-day Extension Request. 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 Siona Briley of my staff at (505) 690-5160 or via email at siona.briley@env.nm.gov.

Sincerely,

Ricardo Maestas Digitally signed by Ricardo Maestas
Date: 2023.09.06 14:06:41 -06'00'

Ricardo Maestas
Acting Chief
Hazardous Waste Bureau

Cc:

N. Dhawan, NMED HWB
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K. Robinson, NMED HWB
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File: 2023 LANL, Permit, Approval Extension Request to Respond to Administratively Incomplete Determination Class 2 Permit Modification for the Addition of New Hazardous Waste Management Unit at Technical Area 60
LANL-23-014