

**Environmental Protection and Compliance Division**

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National Nuclear Security Administration

Los Alamos Field Office
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Symbol: EPC-DO-23-063

Date: March 3, 2023

LA-UR: 23-21617

Mr. Dave Cobrain, Acting Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6313

Subject: Request for a Class 1, with Prior Approval, Permit Modification, Extension of Time, Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2, September 2022, Los Alamos National Laboratory, EPA ID# NM0890010515

Dear Mr. Cobrain:

The United States Department of Energy (DOE) National Nuclear Security Administration Los Alamos Field Office (NA-LA), in association with Triad National Security, LLC (Triad), submit to the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB) this request for a Class 1, with prior approval, permit modification for an extension of time to the schedule in the *Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2* (Closure Plan); approved with modifications on September 6, 2022.

Closure Plan, Section 4.2, *Closure Schedule* and Table 1, *Closure Schedule for the Technical Area 16-399 Open Burning Treatment Unit* includes a requirement to “complete all additional closure activities” within 180 days of approval of the amended Closure Plan. Based on the amended Closure Plan approval date, the additional closure activities must be completed by March 5, 2023.

The Permittees discussed the extension request with the NMED-HWB on February 21, 2023. Due to the complex coordination and planning necessary for field activities, including soil excavation, soil sampling, and soil disposition, additional time is required to complete closure activities and the Permittees are requesting an extension of 180-days to complete the work. The extension will enable NA-LA and Triad to coordinate excavators, bins, trucks, and personnel to safely complete the required closure activities. Because of timing and planning constraints, excavation of soil is currently scheduled to begin in April 2023. If approved, the new deadline for the completion of additional closure activities will be September 1, 2023. The Permittees acknowledge overlooking the deadline to submit the Class 1 modification 30 days prior to expiration of the 180 days allowed for closure in 40 CFR § 265.113(c)(2). Closure Plan, Section 4.2, *Closure Schedule* requires that “[i]n the event, closure of the Unit cannot proceed according to schedule, the NMED must be notified in accordance with the extension request requirements in 40

CFR § 265.113(b) and comply with the applicable closure requirements in 40 CFR § 265.113(b)(1) and (2).” The Permittees prepared this permit modification request in accordance with those sections and with 40 CFR 270.42(a)(2); the change falls under the conditions of 40 CFR 270.42 Appendix I, Item D.1(b) for a Class 1 modification with prior approval. A full description of the permit modification, the rationale for the classification type, proposed changes to the Closure Plan, and a signed certification are included in the enclosure attached to this letter.

Three hard copies and one electronic copy of this submittal will be delivered to the NMED-HWB. The hardcopy submittal contains pages or sections where text has been changed, rather than copies of the entire Closure Plan. The electronic copy, provided only to the NMED-HWB, contains a reproduction of the hardcopy in portable document format (pdf) along with all the word processing files used to create the hardcopy.

Notice of this permit modification will be sent to the NMED-HWB maintained LANL facility mailing list in accordance with 40 CFR §270.42(a)(1)(ii) within ninety days of the NMED-HWB incorporating the changes.

If you have any questions for Triad or NA-LA, please contact Patrick Padilla (Triad) at 505-412-0462, plpadilla@lanl.gov or Karen Armijo (NA-LA) at 505-665-7314, karen.armijo@nnsa.doe.gov.

Sincerely,

JENNIFER
PAYNE (Affiliate)

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Jennifer E. Payne
Division Leader
Environmental Protection and Compliance Division
Triad National Security, LLC
Los Alamos National Laboratory

Sincerely,

KAREN
ARMIJO

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Karen E. Armijo
Permitting and Compliance Program Manager
National Nuclear Security Administration
Los Alamos Field Office
U.S. Department of Energy

JEP/KEA/PLP

Enclosure: *Request for a Class 1 Permit Modification, with Prior Approval, Extension of Time, Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2, September 2022, Los Alamos National Laboratory, EPA ID# NM0890010515*

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Mr. Dave Cobrain, Acting Chief
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Subject: Request for a Class 1, with Prior Approval, Permit Modification, Extension of Time, Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2, September 2022, Los Alamos National Laboratory, EPA ID# NM0890010515

Dear Mr. Cobrain:

The United States Department of Energy (DOE) National Nuclear Security Administration Los Alamos Field Office (NA-LA), in association with Triad National Security, LLC (Triad), submit to the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB) this request for a Class 1, with prior approval, permit modification for an extension of time to the schedule in the *Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2* (Closure Plan); approved with modifications on September 6, 2022.

Closure Plan, Section 4.2, *Closure Schedule* and Table 1, *Closure Schedule for the Technical Area 16-399 Open Burning Treatment Unit* includes a requirement to "complete all additional closure activities" within 180 days of approval of the amended Closure Plan. Based on the amended Closure Plan approval date, the additional closure activities must be completed by March 5, 2023.

The Permittees discussed the extension request with the NMED-HWB on February 21, 2023. Due to the complex coordination and planning necessary for field activities, including soil excavation, soil sampling, and soil disposition, additional time is required to complete closure activities and the Permittees are requesting an extension of 180-days to complete the work. The extension will enable NA-LA and Triad to coordinate excavators, bins, trucks, and personnel to safely complete the required closure activities. Because of timing and planning constraints, excavation of soil is currently scheduled to begin in April 2023. If approved, the new deadline for the completion of additional closure activities will be September 1, 2023. The Permittees acknowledge overlooking the deadline to submit the Class 1 modification 30 days prior to expiration of the 180 days allowed for closure in 40 CFR § 265.113(c)(2). Closure Plan, Section 4.2, *Closure Schedule* requires that "[i]n the event, closure of the Unit cannot proceed according to schedule, the NMED must be notified in accordance with the extension request requirements in 40



ENCLOSURE 1

*Request for a Class 1, with Prior Approval, Permit
Modification, Extension of Time, Amended Closure Plan Open
Burning Treatment Unit Technical Area 16-399 Burn Tray,
Revision 2, September 2022*

*Los Alamos National Laboratory,
EPA ID# NM0890010515*

EPC-DO-23-063
LA-UR-23-21617

U.S. Department of Energy,
National Nuclear Security Administration Los Alamos Field Office, and
Triad National Security, LLC



CERTIFICATION



Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

JENNIFER PAYNE
(Affiliate)

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2/28/23

Jennifer E. Payne
Division Leader
Environmental Protection and Compliance Division
Triad National Security, LLC
Los Alamos National Laboratory

Date Signed

KAREN ARMIJO

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3/3/2023

Karen E. Armijo
Permitting and Compliance Program Manager
National Nuclear Security Administration
Los Alamos Field Office
U.S. Department of Energy

Date Signed



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**Request for a Class 1, with Prior Approval, Permit Modification, Extension of Time,
Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray,
Revision 2, September 2022
Los Alamos National Laboratory, EPA ID# NM0890010515**

This document contains a Class 1 Permit Modification request, requiring prior approval from the New Mexico Environment Department-Hazardous Waste Bureau (NMED-HWB), to update the *Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2, September 2022* (Closure Plan). The United States Department of Energy (DOE) National Nuclear Security Administration Los Alamos Field Office (NA-LA), in association with Triad National Security, LLC (Triad), collectively the Permittees, provide the Closure Plan modification herein.

A certification page, in accordance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR) § 270.11, is included with this enclosure. Attachment 1 of this modification request provides updated language in Closure Plan Section 4.2, *Closure Schedule*, and an update to the schedule in Closure Plan Table 1, *Closure Schedule for the Technical Area 16-399 Open Burning Treatment Unit*.

BASIS

This Permit modification was drafted in accordance with the extension request requirements in 40 CFR § 265.113(b)(1) and (2) and 40 CFR § 270.42 (a)(1) where the extension request meets the conditions for a Class 1 permit modification with prior approval (40 CFR §270.42 Appendix I, Item D.1(b)).

DESCRIPTION

Due to the complex coordination and planning necessary for field activities, including soil excavation, soil sampling, and soil disposition, additional time is required to complete closure activities and the Permittees are requesting a 180-day extension to complete the activities. The extension will enable the Permittees to coordinate excavators, bins, trucks, and personnel to safely complete the required excavation closure activities. Because of timing and planning constraints, excavation of soil is currently scheduled to begin in April 2023. Verification soil sampling cannot be conducted until excavation activities are complete within the proposed area of excavation. If approved, the new deadline for the completion of additional closure activities will be September 1, 2023.

Closure Plan Section 4.2, *Closure Schedule* was updated to reflect the requested extension of time. Closure Plan Table 1, *Closure Schedule for the Technical Area 16-399 Open Burning Treatment Unit* was also updated to reflect the requested extension of time. All changes are identified in Attachment 1 using underlined, red text for additions and redline strikeout for deletions.

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Attachment 1

**Redline Edits of the Amended Closure Plan Open Burning
Treatment Unit Technical Area 16-399 Burn Tray, Revision
2, September 2022**

Los Alamos National Laboratory, EPA ID# NM0890010515

Amended Closure Plan Open Burning Treatment Unit Technical Area 16-399 Burn Tray, Revision 2

September 2022

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- iii. A description of all sample preservation, handling, labeling, and chain of custody procedures.

Closure of a Unit shall be deemed complete when: 1) all surfaces and equipment have been decontaminated, or otherwise removed and properly managed as waste; 2) closure has been completed in accordance with this Closure Plan and certified by an independent, professional engineer licensed in the State of New Mexico; and 3) a closure report including closure certification as required by 40 CFR 265.115, has been submitted to, and approved by, the Department. If residential clean-up levels are not achieved during closure, the Permittees shall submit a post closure care plan for approval by the Department. The proposed post closure care plan will be made available for public comment and opportunity for public hearing in accordance with applicable sections of 40 CFR §§ 265.118 and 270.

4.2 Closure Schedule

The following section provides the schedule of closure activities (also see Table 1 in this Closure Plan).

Closure activities must begin no later than 45 days after approval of this plan. However, in accordance with Permit Sections 9.4.1, 9.4.2 and 40 CFR § 265.112(e), removing hazardous wastes, decontaminating or dismantling equipment, in accordance with an approved Closure Plan, may be conducted at any time before notification of closure. The records review has been completed, and the structural assessment was conducted on July 19, 2012. The review and structural assessment are described in Sections 5.1.1 and 5.1.2 of the Closure Plan. An amendment to the plan allowing for soil removal at the site and the collection of verification samples to the extent necessary to meet closure performance standards was submitted to the plan in June 2022. Upon approval of the original Closure Plan, the Unit surfaces and related equipment was decontaminated or dispositioned as discussed in Section 5.2. Upon approval of the amended Closure Plan, soil removal, as discussed in Section 5.3, and associated confirmation sampling will be completed. All closure activities must be completed within 180 ~~days after approval of the amended Closure Plan of the extension date granted by the NMED~~. The final submittal of the revised closure certification report must be submitted to NMED 60 days after receipt of soil sample analytical data. In the event, closure of the Unit cannot proceed according to schedule, the NMED must be notified in accordance with the extension request requirements in 40 CFR § 265.113(b) and comply with the applicable closure requirements in 40 CFR § 265.113(b)(1) and (2).

4.3 Amendment of the Closure Plan

The Permittees may amend this Closure Plan in accordance with the requirements in 40 CFR § 265.112(c). If the results of the review or assessment require any changes to this Closure Plan (e.g., the sampling and analysis plan), the Permittees shall submit an amended Closure Plan to NMED, for review and approval, in accordance with this Section (4.3). Associated public comment periods and opportunities for public hearing will be in adherence with 40 CFR § 265.112(c).

Table 1. Closure Schedule for the Technical Area 16-399 Open Burning Treatment Unit

Activity	Maximum Time Required
Begin closure activities	45 days after approval of the Closure Plan
Conduct records review	Completed November 2012
Conduct structural assessment	Completed on July 19, 2012
Documentation of structural assessment	Submit to Department no later than 45 days after approval of Closure Plan
Complete all closure activities	No later than 180 days of initiating closure activities
Submit closure certification report to the Department	No later than 60 days after completion of closure activities
Begin soil removal	Within 45 days of approval of the amended Closure Plan
Complete all additional closure activities	Within 180 days of approval of the amended Closure Plan <u>on September 6, 2022</u> <u>180-day Extension (Beginning March 6, 2023)</u>
Submit final closure certification report to the Department	No later than 60 days after receipt of confirmation sample analytical data

Note: The schedule above indicates calendar days in which the listed activities shall be completed from the day closure activities are initiated. Some activities may be conducted simultaneously.

Table 2. Hazardous Waste Constituents of Concern at the TA-16-399 Open Burning Treatment Unit^a

Category	EPA Hazardous Waste Numbers	Specific Constituents
High explosives and associated compounds	D003	HMX, RDX, TNT, PETN, TATB, Tetryl, and mixtures of explosives including; ANFO, Composition B, Cyclotol, IMX-101, PBX 9404, PBX 9407, PBX 9501, PBX 9502, X0233, X0533, XTX 8003, XTX 8004, LX-02, LX-07, LX-10, and LX-14
Toxic Metals	D004, D005, D006, D007, D008, D009, D010, D011	Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, Silver
Semi-volatile Organic Compounds	D030, D036, F004	2,4-Dinitrotoluene, Nitrobenzene
Polyfluoroalkyl and Perfluoroalkyl Compounds		Perfluorobutanesulfonate, Perfluorobutanesulfonic acid (PFBS), Perfluorohexanesulfonate, Perfluorohexanesulfonic acid (PFHxS), Perfluorononanoate, Perfluorononanoic acid (PFNA), Perfluorooctanesulfonate, Perfluorooctanesulfonic acid (PFOS), Perfluorooctanoate, Perfluorooctanoic acid (PFOA), Potassium perfluorobutanesulfonate, Potassium