

**Response to Comments Received on Intent to  
Approve Class 3 Permit Modification for Los Alamos  
National Laboratory RCRA Permit**

NMED issued a *Notice of Public Comment Period and Intent to Approve a Permit Modification to RCRA Permit for U.S. Department of Energy, Los Alamos National Laboratory*, on October 26, 2006. One comment was received by NMED during the public comment period that ended on December 26, 2006.

**Comment from NMED Surface Water Quality Bureau:**

*Has Los Alamos National Laboratory demonstrated to the New Mexico Environment Department that each SWMU that is being considered for No Further Action status is (and will be) in compliance with the New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) and the New Mexico WQCC Ground and Surface Water Protection Regulations (20.6.2 NMAC) as required by Section VIII.C of the March 1, 2005 Compliance Order on Consent?*

**NMED Response:**

The New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) and the New Mexico WQCC Ground and Surface Water Protection Regulations (20.6.2 NMAC) do not apply to 19 of the 23 solid waste management units (SWMUs) being considered for No Further Action (NFA) status. These SWMUs either were not used for management of hazardous waste, or were not known or suspected to have had releases of hazardous wastes or hazardous constituents. Sixteen were granted NFA based on criterion 2 (the site was never used for the management of RCRA solid or hazardous wastes and/or constituents). Three SWMUs were granted NFA based on criterion 3 (the SWMU is not known or suspected to have released solid or hazardous wastes and/or constituents to the environment).

The comment applies to the remaining four SWMUs that were granted NFA based on the criterion 5 that the SWMU was characterized or remediated in accordance with applicable state and/or federal regulations, and that the available data indicate that contaminants do not pose an unacceptable level of risk under current and projected future land use. SWMU C-08-010, a former drum storage area, should not have any impact on surface water because the sample data from the site indicate that there was no release of contaminants at the site.

SWMUs 21-013(d), 21-013(e), 21-024(f), as well as areas of concern (AOCs) C-21-015 and 21-030, do not pose an unacceptable risk to human health and environment based on investigation results. These SWMUs and AOCs were not evaluated for compliance with the New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) and the New Mexico WQCC Ground and Surface Water Protection Regulations (20.6.2 NMAC) as required by Section VIII.C of the March 1, 2005 Compliance Order on Consent; therefore, NMED is not granting NFA for these units at this time. NMED cannot

approve the NFA for these sites until the Permittees address the comments, and demonstrate compliance with the New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) and the New Mexico WQCC Ground and Surface Water Protection Regulations (20.6.2 NMAC).