

LANL

General



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
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JOHN R. D'ANTONIO, Jr.
SECRETARY

**VIA FAX: (505) 665-1718
AND CERTIFIED MAIL**

October 24, 2002

Ralph E. Erickson, Director
Department of Energy
National Nuclear Security Administration
Albuquerque Operations Office
Office of Los Alamos Site Operations
Mail Stop A316
Los Alamos, New Mexico 87544

Dear Mr. Erickson:

I am writing to request that the Department of Energy (DOE) postpone the transfers under Public Law 105-119 (PL 105-119) of property from DOE to the Department of Interior (DOI) that are scheduled to occur on October 25, 2002. I also request that DOE postpone certain of the transfers under PL 105-119 of property from DOE to the County of Los Alamos and the New Mexico Highway and Transportation Department that are scheduled to occur on October 31, 2002, as specified below. Lists provided by DOE of all tracts to be conveyed under PL 105-119 are attached hereto as "Exhibit A."

NMED's position on the legal requirements governing such transfers is stated in letters, dated October 2, 2002, and October 22, 2002, sent to you by Environment Secretary D'Antonio. Copies of those letters are attached hereto as "Exhibit B" and "Exhibit C." As DOE is aware from conversations on October 22, 2002, between Beth Osheim and Lisa Cummings, attorneys for DOE, and Julia Mullen, attorney for NMED, the Hazardous Waste Bureau (HWB) of NMED believes that the transfers to DOI scheduled for October 25, 2002, are unlawful as violating the requirements of PL 105-119 regarding environmental characterization and necessary remediation prior to transfer.

The NMED believes that neither B-2, TA-74-3 (North) nor B-4, White Rock "Y"-3 (consolidated into Tract B-2) has been properly characterized or remediated as necessary prior to transfer, as



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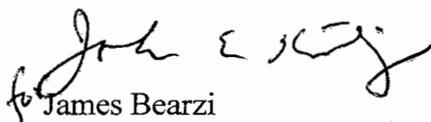
Mr. Erickson
October 24, 2002
Page 2

required by PL 105-119. The basis for NMED's opinion is explained in part in a letter dated June 6, 2002, from James Bearzi, HWB Chief, to Theodore Taylor, DOE Project Manager. A copy of that letter was provided to Theodore Taylor via e-mail on October 22, 2002. The letter and the e-mail cover message are attached hereto as "Exhibit D." As explained in the cover message, DOE also knew of the NMED's concerns regarding contamination at the TA-74 Tract and the White Rock "Y" Tract based upon conversations between DOE and NMED personnel during a tour of TA-74 and the Bayo Canyon site on August 1, 2002. A more recent synopsis of the bases for NMED's opinion is attached hereto as "Exhibit E." As stated in Exhibit D and in a letter from James Bearzi to Theodore Taylor, dated October 4, 2002, and attached hereto as "Exhibit F," the NMED also does not concur in DOE's assessments of Tract A-19, White Rock-1, Tract C-1, White Rock, Tract A-17, TA-74-1 (West), and Tract B-1, White Rock, all scheduled for transfer on October 31, 2002. The NMED believes, therefore, that transfer of those properties as scheduled is unlawful under PL 105-119. The NMED has yet to take a position on Tract C-2, scheduled for transfer on October 31, 2002. The NMED will do so if DOE makes information on that tract available. Absent such information, the NMED believes that Tract C-2 has not been adequately characterized and that transfer as scheduled is therefore unlawful. This letter does not address the NMED's position on transfers scheduled to occur after October 31, 2002.

Since the aforementioned conversations on October 22, 2002, between attorneys for DOE and NMED, DOE has been aware that NMED is considering legal action regarding the transfers of Tracts B-2 and B-4, and possibly other tracts as well. This letter provides formal notice, for all purposes including retention of evidence, technical, documentary, electronic, and otherwise, to DOE and all parties listed below, that NMED is considering legal action on all transfers, except for those in which we have concurred, conducted under PL 105-119.

Should you require further information or clarification please don't hesitate to contact me at (505) 428-2535.

Sincerely,



James Bearzi
Chief
Hazardous Waste Bureau

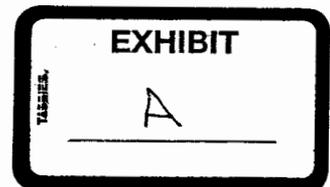
Mr. Erickson
October 24, 2002
Page 3

cc:

Grant Vaughn, Acting Regional Solicitor, Southwest Region,
Department of Interior, via fax: (505) 248-5623 and U.S. Mail
Peter Chestnut, Attorney for Pueblo of San Ildefonso
Fred Brueggeman, County of Los Alamos
New Mexico Highway and Transportation Department
David McCumber, Chief of Staff, Office of the Governor
John R. D'Antonio, Jr., Secretary of Environment
Stephen R. Farris, Office of the New Mexico Attorney General
Greg Lewis, Director, Water & Waste Management Division, NMED
Julia Mullen, NMED OGC
Tim Dolan, NMED OGC

**Tracts to be Conveyed or Transferred under Public Law 105-119
Recipient, Transfer Date, Proposed Uses, and Acreage**

Designator	Description	Proposed Use	Recipient	Transfer Date	Acreage
A-1	Manhattan Monument ?	H	County	10-31-02	0.07
A-2	Site 22	C	County	10-31-02	0.17
A-3	Airport-1 (East)	C/I	County	10-31-02	9.44
A-6	Airport-4 (West)	C/I	County	10-31-02	4.18
A-9	DP Road-2 (North)	C/I	County	10-31-02	4.25
A-12	LAAO-1 (East)	R	County	10-31-02	4.51
A-17	TA-74-1 (West)	U	County	10-31-02	5.52
A-19	White Rock-1	C/R	County	10-31-02	76.33
B-1	White Rock-2	P	Pueblo	10-31-02	14.94
B-2	TA-74-3 (North)	P	Pueblo	10-31-02	2089.88
B-4	White Rock "Y"-3 (consolidated into Tract B-2)				
C-1	White Rock	T	Highway	10-31-02	15.41
C-2	White Rock "Y"-1	T	Highway	10-31-02	104.10
B-3	TA-74-4 (Middle)	P	Pueblo	3-31-03	3.4
C-3	White Rock "Y"-3	T	Highway	3-31-03	53.6
C-4	White Rock "Y"-4	T	Highway	3-31-03	20.1
A-7	Airport-5 (Central)	C/I	County	9-30-03	5.83
A-8	DP Road-1 (South)	C/I	County	9-30-03	24.92
A-15	TA-21-1 (West)	C/I	County	9-30-03	7.55
A-18	TA-74-2 (South)	P/U	County	9-30-03	676.52
A-4	Airport-2 (North)	T	County	9-30-05	92.6
A-10	DP Road-3 (East)	O/U	County	9-30-05	13.8
A-13	LAAO-2 (West)	R	County	9-30-05	8.82
A-11	DP Road-4 (West)	C/I	County	9-30-06	3.09
A-14	Rendija	O/R/U	County	9-30-07	918.3
A-5	Airport-3 (South) (withheld)	C/I	County	None	34.67
A-15-2	TA-21 (West) (withheld)	C/I	County	None	1.18
A-16	TA-21-2 (East) (withheld)	C/I	County	None	252.1
A-20	White Rock "Y"-2 (withheld)	P	County	None	323.4



Summary of Acreage (estimated)

Total Acreage to be Conveyed/Transferred		4,157.33
Convey to Los Alamos County	1,855.90	
Transfer to San Ildefonso Pueblo	2,108.22	
Convey to Highway Department	193.21	
Total Acreage to be Withheld		611.35
From Los Alamos County	611.35	
Tract A-5	34.67	
Tract A-15-2	1.18	
Tract A-16	252.1	
Tract A-20	323.4	
TOTAL ACREAGE		4,768.68

Proposed Uses

C	Commercial
H	Historic Preservation
I	Industrial
O	Open Space
P	Preservation (Cultural or Environmental)
R	Residential
T	Transportation
U	Utilities

Notes: (1) The Record of Decision (ROD) was modified by the NNSA Administrator on June 26, 2002, which allows the conveyance of Tract A-6 to Los Alamos County and Tracts C-3 and C-4 to the New Mexico Highway and Transportation Department. (2) The "transfer date" column contains the dates agreed to between DOE and Los Alamos County on July 24 and August 22, 2002. (3) Tract A-15-2 is being withheld, as it is DP Road, which is the access to TA-21. (4) Because Tracts B-2 and B-4 are contiguous, they were surveyed together, and will be consolidated into one tract, identified as B-2.

File: land tran acreage.doc

Updated: 10-15-02

Land Transfer Tracts and Acreage

Tract Description	Acreage	S/E	Withheld	Convey/Transfer
Los Alamos County	2467.25		611.35	1855.90
A-1 Manhattan Mon.	0.07	S		0.07
A-2 Site 22	0.17	S		0.17
A-3 Airport East	9.44	S		9.44
A-4 Airport North	92.6	E		92.6
A-5 Airport South	34.67	S	34.67	
A-6 Airport West	4.18	S		4.18
A-7 Airport Central	5.83	S		5.83
A-8 DP Road South	24.92	S		24.92
A-9 DP Road North	4.25	S		4.25
A-10 DP Road East	13.8	E		13.8
A-11 DP Road West	3.09	S		3.09
A-12 LAAO East	4.51	S		4.51
A-13 LAAO West	8.82	S		8.82
A-14 Rendija Canyon	918.3	E		918.3
A-15 TA-21 West	8.73	S	1.18	7.55
A-16 TA-21 East	252.1	E	252.1	
A-17 TA-74 Central	5.52	S		5.52
A-18 TA-74 South	676.52	S		676.52
A-19 White Rock-1	76.33	S		76.33
A-20 White Rock Y-2	323.4	E	323.4	
Pueblo of San Ildefonso	2108.22	0		2108.22
B-1 White Rock-2	14.94	E		14.94
B-2 TA-74 North	2089.88	E		2089.88
B-3 TA-74 Middle	3.4	E		3.4
B-4 White Rock Y-3		E		
New Mexico Hwy Dept	193.21		0	193.21
C-1 White Rock	15.41	S		15.41
C-2 White Rock Y-1	104.10	S		104.10
C-3 White Rock Y-3	53.6	E		53.6
C-4 White Rock Y-4	20.1	E		20.1
GRAND TOTAL	4768.68		611.35	4157.33

Notes: (1) "S" = surveyed acreage; "E" = estimated acreage. (2) Tract B-4 (25.5 acres) is contiguous with Tract B-2, was surveyed with Tract B-2 as one tract, and is consolidated into Tract B-2 for a combined acreage of 2,089.88 acres.



GARY E. JOHNSON
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JOHN R. D'ANTONIO, Jr.
SECRETARY

October 2, 2002

Ralph Erickson
Area Manager
Office of Los Alamos Site Operations
U.S. Department of Energy
Los Alamos, New Mexico 87544

RE: COVENANT DEFERRAL REQUESTS DATED APRIL 4, 2002

Dear Mr. Erickson:

Governor Johnson has asked me to respond to Cory Cruz's letter of April 4, 2002, in which the U.S. Department of Energy (DOE) requests that the Governor concur in a covenant deferral with respect to properties that the DOE intends to transfer from the Los Alamos National Laboratory to the Department of Interior (DOI) to be placed in trust for the Pueblo of San Ildefonso. DOE has asserted that the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h)(3)(C) applies in this case, and that concurrence by the Governor of the affected state is thus required to implement the covenant deferral.

The State of New Mexico appreciates the opportunity to comment on the transfer process. However, because the subject of the request concerns parcels slated to be transferred to another federal entity, CERCLA Section 120(h)(3)(C) does not apply. The Governor therefore need not consider this covenant deferral request.

We note that CERCLA Sections 120(h)(1) and (2) do apply to federal-to-federal property transfers, and that notice pursuant to those sections with respect to the transfers at issue is therefore required. Additionally, the requirements of Section 632 of Public Law 105-119 must be met, including the requirement that the properties be remediated, if necessary, prior to transfer.

The State of New Mexico believes that DOE has yet to comply with this provision of the public law. For the parcel in Technical Area (TA) 74, the Bayo Canyon portion has not been adequately characterized down-canyon of former TA-10 to determine if remediation is necessary. Additionally, potential ground water contamination emanating from former TA-10 has not been investigated. This point is crucial, given that drinking water supplies for Los Alamos County are derived in part from a well field in Guaje Canyon proximal to the proposed parcel. For the White

EXHIBIT

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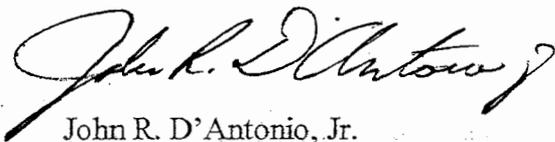
Ralph Erickson
October 2, 2002
Page 2

Rock "Y" parcel, the presence of contamination up-canyon of the parcel in Pueblo Canyon has been well documented. The risk posed by the contaminants has not been determined, nor has the degree to which these contaminants may need to be remediated.

The State of New Mexico is very interested in the final disposition of these and other DOE-owned parcels slated for transfer. The State appreciates the input DOE has afforded to it to date, and would encourage DOE to facilitate discussion of all intended transfers, seeking out the participation of interested stakeholders, including the State of New Mexico.

Please do not hesitate to contact me should you wish to discuss this further.

Sincerely,

A handwritten signature in cursive script, reading "John R. D'Antonio, Jr.", written in black ink.

John R. D'Antonio, Jr.
Cabinet Secretary

cc: David McCumber, Chief of Staff



GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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JOHN D'ANTONIO, Jr.
SECRETARY

October 22, 2002

Ralph E. Erickson, Director
Department of Energy
National Nuclear Security Administration
Albuquerque Operations Office
Office of Los Alamos Site Operations
Mail Stop A316
Los Alamos, New Mexico 87544

Dear Mr. Erickson:

Governor Johnson has asked me to respond to your letter of October 4, 2002, regarding the request by the Department of Energy (DOE) for the Governor's concurrence in deferral of covenants under Section 120(h)(3)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On October 2, 2002, I mailed a letter containing the Governor's response to your initial request and outlining New Mexico's position on the issue. I assume the two letters crossed in the mail, as you wrote that you had not yet received our formal response.

Given that you lacked the opportunity to review our response to the covenant deferral request before mailing your letter of October 4, 2002, we do not know whether your position remains as stated therein. The State of New Mexico's position as stated in my letter remains unchanged. We believe that all transfers of property required by Public Law (PL) 105-119, Section 632 must be conducted pursuant to the provisions of that law. Section 120(h)(3) of CERCLA does not apply to federal-to-federal transfers, and covenants are therefore not available to DOE. DOE must, of course, comply with Sections 120(h)(1) and (2) of CERCLA, but that compliance creates no conflict with the requirements of PL 105-119, Section 632.

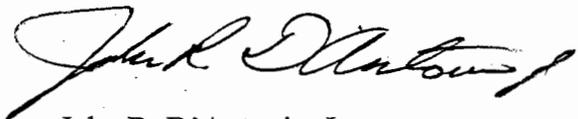
We hope that you have considered our response letter and will adhere to the requirements of PL 105-119, Section 632, regarding the proposed transfers. Please notify us, in writing, on or before November 8, 2002, of your commitment to that course of action. Failing that notice, we will understand that the substance of your letter of October 4, 2002, remains your final determination.

EXHIBIT

C

Thank you for your assistance in this matter, and please don't hesitate to contact me should you wish to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. D'Antonio, Jr.", written in a cursive style.

John R. D'Antonio, Jr.
Cabinet Secretary

cc: David McCumber, Chief of Staff, Office of the Governor

Julia Mullen

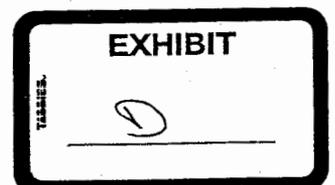
From: Darlene Goering [Darlene_Goering@nmenv.state.nm.us]
Sent: Tuesday, October 22, 2002 5:28 PM
To: Theodore Taylor
Subject: Land Transfer



Review of Land
ransfer Docume.

Ted,

I understand that you never received a copy of this letter. I had reviewed all of the documents that were sent from your office and wrote this letter in response. I placed this letter in outgoing mail on June 6, 2002. This is a copy of the letter. It shouldn't contain any surprises because you have known about our concerns at the TA-74 Tract and the White Rock "Y" Tract for some time. During NMED and EPA's recent tour (August 1, 2002) of TA-74 and the Bayo Canyon site, our concerns were voiced regarding the residual contamination at the site.





GARY E. JOHNSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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www.nmenv.state.nm.us



PETER MAGGIORE
SECRETARY

June 6, 2002

Theodore Taylor, Project Manager
Office of Los Alamos Site Operations
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

**RE: REVIEW OF DOCUMENTS IN SUPPORT OF LAND TRANSFER OR
CONVEYANCE
LOS ALAMOS NATIONAL LABORATORY, NM0890010515**

Dear Mr. Taylor:

The New Mexico Environment Department (NMED) has reviewed several documents submitted by the Department of Energy (DOE) in support of the conveyance or transfer of several tracts of land in the vicinity of the Los Alamos National Laboratory (LANL). The following documents were reviewed for each tract:

- the Environmental Baseline Survey;
- the environmental site assessment;
- the notice required by the CERCLA, together with supporting information from LANL's Environmental Restoration Project; and
- the tract map.

The NMED comments on these documents pertain to the following tracts:

Tract A-3, part of the Airport Tract

The tract is located adjacent to the Airport Landfill, which will undergo remediation within the next two years. Remediation will include recontouring the present landfill surface and placing a cover over the waste. Based on the information provided to the NMED to date (Draft Voluntary Corrective Measures Plan for PRSs 73-001(a) and 73-001(d)), none of the remedial activities are anticipated to effect or involve Tract A-3.

The NMED concurs with the conclusions of the Environmental Baseline Survey as it pertains to the absence of Potential Release Sites (PRSs), the absence of hazardous waste being stored or released at the property, and the lack of need for remedial action at the property.

Tract A-12, part of the LAAO Tract

This tract contains SWMU 0-030(i), which is currently not on LANL's HSWA module. The results of an investigation at the SWMU was included in a Voluntary Corrective Action Report that was approved by the NMED on January 30, 2002. The SWMU was apparently NFA'd by the DOE subsequent to that approval. However, hazardous constituents were detected at the SWMU, therefore, the NMED has the final authority to approve NFAs at the site.

The NMED concurs with the conclusions of the Environmental Baseline Survey as it pertains to the presence of hazardous waste being released at the property and the lack of the need for remedial action at the property.

Tract A-19, part of the White Rock Tract

This tract is bisected by Cañada del Buey, which drains several Technical Areas and SWMUs at LANL. In the Environmental Baseline Survey for this tract, the DOE refers to "an investigation conducted in 1999 by the Environmental Restoration (ER) Project" that "identified no contaminants in sediments in that reach of Cañada del Buey located within the White Rock Tract." The DOE has not provided the data from that investigation to the NMED for review and we are unable to verify this statement.

The tract is upgradient of contaminated sediments in Cañada del Buey. The document entitled "Environmental Surveillance at Los Alamos during 1999" reports 2 sediment samples with plutonium 239/240 at levels up to 30 times the background value. These two samples were collected from the channel bottom within the boundaries of White Rock. Future land use at the tract may enhance contaminant transport.

The NMED does not concur with the conclusions of the Environmental Baseline Survey as it pertains to the absence of hazardous waste being released at the property and the lack of need for remedial action at the property. Since the future land use will include residential use, the DOE should provide the results of all investigations, including sample locations and analytical results.

Mr. Theodore Taylor

June 6, 2002

Page 3

After the appropriate risk assessment is completed, the NMED will determine the need for remediation.

Tract B-2, part of the TA-74 Tract

The Bayo Canyon site (former TA-10) is located upgradient of Tract B-2. Former TA-10 activities include firing sites, liquid disposal pits, septic tanks, leachfields, a radiochemistry lab, and other buildings. Potential contamination that remained following an interim action performed in 1996 include Sr-90, high explosives and other organics, metals, and possibly depleted uranium. There are production wells for Los Alamos County north of the parcel. Regional groundwater flow directions in this area are unknown. The extent of surface and subsurface contamination downgradient of former TA-10 is not known. The interim action removed contaminated plants (chamisa) and soil in the canyon bottom at the site. However, sampling was not performed beyond the TA-10 boundary and onto TA-74.

NMED has learned that San Ildefonso and LANL have collected additional surface (plants and sediments) data at TA-74 in Bayo Canyon. However, these data have not been made available to NMED for review.

A covenant deferral request has been submitted by the DOE to the State of New Mexico for Governor Johnson's concurrence. As discussed in our June 11, 2002 meeting, the NMED questions the conclusions of the Environmental Baseline Survey as it pertains to the presence of hazardous waste being released at the property and the need for remedial action at the property. The NMED understands the future land use by San Ildefonso will include cultural preservation. Regardless of the governor's actions on DOE's deferral request, any risk assessments must include this scenario in order to be valid.

Tract B-4, part of the White Rock "Y" Tract

A portion of Los Alamos and Pueblo Canyons runs through Tract B-4. Current and historical releases of industrial wastewater to Los Alamos and Pueblo Canyons have resulted in contaminated groundwater and sediments. Contaminants include metals, radionuclides, perchlorate, and possibly organic constituents. Both canyons were severely impacted by the Cerro Grande Fire, resulting in increased sediment and contaminant transport.

The NMED does not concur with the conclusions of the Environmental Baseline Survey as it pertains to the absence of hazardous waste being released at the property and lack of need for remedial action at the property. The NMED and LANL are currently developing an ecological risk assessment, which is scheduled to be submitted in 2003. A NMED-approved human health risk assessment has not yet been conducted for the canyons.

Tract C-1, part of the White Rock Tract

Mr. Theodore Taylor

June 6, 2002

Page 4

See the comments under Tract A-19.

Tract A-6, part of the Airport Tract

Section 3.0 (Summary of Data) of the Environmental Baseline Survey describes the tract as being located immediately to the north of Highway 502 when it is actually located to the south of Highway 502.

The NMED concurs with the conclusions of the Environmental Baseline Survey as it pertains to the absence of hazardous waste at the property and the lack of need for remedial action at the property.

Tract A-9, part of the DP Road Tract

The NMED concurs with the conclusions of the Environmental Baseline Survey as it pertains to the presence of hazardous waste releases at the property and the results of the remedial action at the property.

Should you have any questions, please feel free to contact Ms. Darlene Goering at (505) 428-2548 or me at (505) 428-2512.

Sincerely,

James Bearzi
Chief
Hazardous Waste Bureau

JB:dxg

cc: Pete Maggiore, NMED
M. Hoyt, Office of the Governor
L. King, EPA 6PD-N
J. Mullen, OGC
T. Dolan, OGC
P. Schumann, RRES/ER, MS M992
file: Reading LANL, General (Airport Tract, White Rock Tract, White Rock "Y", LAAO Tract, TA-10, TA-74, Los Alamos Canyon, Pueblo Canyon, Bayo Canyon, Cañada del Buey)

Tract B-2, part of the TA-74 Tract

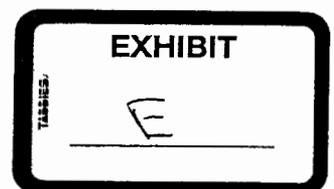
Former TA-10 was used as a firing site from 1944-1963 and also housed a radiochemistry lab. Four shot pads were rotated in use because the area immediately surrounding a pad would be radioactively contaminated for up to a month after each shot. TA-10 was constructed to test assemblies containing conventional high explosives that included components made from depleted or natural uranium. Detonation at the firing sites dispersed uranium to both air and ground. Liquid and solid wastes generated at the radiochemistry lab were placed in waste pits near the building, resulting in subsurface contamination (RFI Work Plan for OU 1079, May 1992).

In 1993, radioactively contaminated shrapnel fragments were found at the TA-10 firing sites with activities up to 350,000 counts per minute beta/gamma. Approximately 19,000 pieces of shrapnel were removed from the firing pads during an interim action. These areas are located just east of the boundary between TA-10 and TA-74. In the active channel, two radioactively contaminated pieces of shrapnel were removed, with the density of shrapnel being one to three pieces per 100 square feet (Interim Action Report for TA-10, Bayo Canyon Shrapnel, April 1996).

In 1994, a RCRA Facility Investigation was performed, during which 93 boreholes were drilled to determine contaminant nature, concentrations, and extent in the subsurface. Boreholes were drilled around structures and to depths no less than 50 feet. The EPA did not agree with the conclusions of the RFI for several reasons. The EPA questioned the lack of an ecological risk assessment, the locations of boreholes and sampling locations within boreholes, the lack of a complete and viable (for example, exceeded sample holding times or missed analytical requests for high explosives) data set, and unapproved deviations from the work plan (which will require redrilling and resampling). Also, the EPA did not agree that the site had been characterized or remediated properly. This would include determining the extent of contamination extending offsite and downgradient of TA-10. (RFI Report for TA-10 Subsurface, April 1996)

In 1995 during a voluntary corrective action, LANL removed up to one cubic meter of soil from a maximum depth of 50 cm that was contaminated with strontium-90. Confirmation samples following the cleanup detected strontium-90 at levels up to 12.8 pCi/g (the background level for strontium-90 is 1.31 pCi/g) (Voluntary Corrective Action Completion Report for PRS C-10-001, Radioactive Soil Contamination, Bayo Canyon, August 1995).

In 1997, an interim action was initiated to characterize soil and chamisa contaminated with strontium-90. Since contaminated soil and plants are present at the site and this material has the potential to be "mobilized during storm water runoff events" and transported downgradient to TA-74, storm water control measures were put in place. LANL states that the "final remedy for the site will address the surface pathway for deep subsurface strontium-90 contamination." (Interim Action Report for TA-10, Bayo Canyon Central Area, April 1997)



Former TA-10 is located upgradient of TA-74. There are production wells for Los Alamos County north of the site in Guaje Canyon. Regional groundwater flow directions in this area are unknown; however, strontium-90 was found in production wells G-1A at 3.9 pCi/L, G-1 at 5.2 pCi/L, and at G-2A at 1.1 pCi/L. The extent of surface and subsurface contamination downgradient of former TA-10 has not been determined, even though the potential for contaminant migration existed before the storm water controls were in place. NMED has learned that San Ildefonso and LANL have collected additional surface (plants and sediments) data at TA-74 in Bayo Canyon. However, these data have not been made available to NMED for review.

Tract B-4, part of the White Rock "Y" Tract

A portion of Los Alamos and Pueblo Canyons runs through Tract B-4. Current and historical releases of industrial wastewater to Los Alamos and Pueblo Canyons have resulted in contaminated groundwater and sediments. Contaminants include metals, radionuclides, perchlorate, and possibly organic constituents. Both canyons were severely impacted by the Cerro Grande Fire, resulting in increased sediment and contaminant transport.

The portion of Los Alamos and Pueblo Canyons that runs through the White Rock "Y" has not been sampled. However Reach P-4 East located upgradient of the site and Reach LA-4 West located downgradient of the site have been sampled. Because it is impractical to sample the entire canyon, the data from reaches are used to represent the parts of the canyon that are not samples. The data from Reaches P-4 East and LA-4 West can be extrapolated to represent contaminants in the White Rock "Y".

For the human health risk screening, maximum values detected in Reach P-4 East showed antimony and lead above background values but below the soil screening action levels (SALs). Maximum values detected in Reach LA-4 West showed antimony, lead, copper, manganese, and zinc above background levels but below soil SALs. This would indicate that no remediation is necessary in this part of the canyons and that human health risk values are acceptable.

For the ecological risk screening, values detected in P-4 East were above the ecological SALs) for chromium (worm), cobalt (robin, shrew), barium, manganese, thallium, and titanium (shrew). Values detected in were LA-4 West were above the ecological SALS for chromium (worm), cobalt (robin, shrew), antimony, barium, and silver (shrew). This would indicate unacceptable risk and that some type of corrective action is necessary.



GARY E. JOHNSON
GOVERNOR

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ENVIRONMENT DEPARTMENT

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JOHN R. D'ANTONIO, JR.
SECRETARY

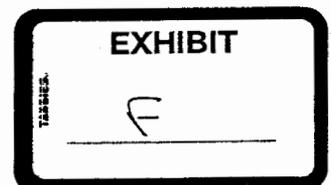
October 4, 2002

Theodore Taylor, Project Manager
Office of Los Alamos Site Operations
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

**RE: CONCURRENCE ON DETERMINATION OF UNCONTAMINATED LAND
TRACTS TO SUPPORT LAND TRANSFER AND CONVEYANCE
LOS ALAMOS NATIONAL LABORATORY, NM0890010515**

Dear Mr. Taylor:

The New Mexico Environment Department (NMED) is in receipt of the Department of Energy's (DOE) request to concur with its determinations of certain land tracts as uncontaminated at Los Alamos National Laboratory and in its surroundings. The DOE is following Section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act, which states that the transferring agency must obtain this concurrence from the appropriate state official. Section 120(h)(4) also states that, in order to be determined uncontaminated, the transferring agency must show that no hazardous substances and petroleum products or their derivatives, including aviation fuel and motor oil, were known to have been released or disposed of on the property. The NMED provides its concurrence or non-concurrence on this determination and the rationale for its decision for each of the following tracts.



Mr. Theodore Taylor

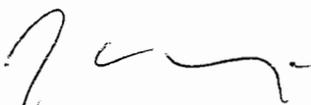
October 4, 2002

Page 2

Land Tract	Concur (Yes/No)?	Rationale
A-1, Manhattan Monument	Yes	This land tract does not contain any solid waste management units (SWMUs), former waste lines or near-by structures that would have potentially contaminated the tract.
A-2, Site 22	Yes	This land tract does not contain any SWMUs.
A-3, Airport East	Yes	This land tract does not contain any SWMUs and has not been impacted by nearby SWMUs.
A-6, Airport West	Yes	This land tract does not contain any SWMUs.
A-12, LAAO East	Yes	This land tract contains one SWMU that has been investigated and/or remediated and is part of an approved report.
A-17, TA-74 West	No	Pueblo Canyon runs through the middle of this land tract and is in the process of having an ecological risk assessment performed. In addition, disturbance from the building and operating of the treatment plant will further mobilize contaminants.
A-19, White Rock	No	The DOE has not provided the data used by the Environmental Restoration Project to show there is no contamination in Cañada del Buey sediments.
B-1, White Rock	No	See comments for A-19, White Rock
C-1, White Rock	No	See comments for A-19, White Rock

Should you have any questions, please feel free to contact Ms. Darlene Goering at (505) 428-2548 or me at (505) 428-2512.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:dxg

cc: J. D'Antonio, NMED
D. Goering, NMED
M. Hoyt, Office of the Governor

Mr. Theodore Taylor

October 4, 2002

Page 3

L. King, EPA 6PD-N

J. Mullen, OGC

T. Dolan, OGC

P. Schumann, RRES/ER, MS M992

file: Reading LANL, General (Airport Tract, White Rock Tract, White Rock "Y", LAAO Tract, TA-10, TA-74, Los Alamos Canyon, Pueblo Canyon, Bayo Canyon, Cañada del Buey)