

General

ENTERED



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NEW MEXICO
ENVIRONMENT DEPARTMENT

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RON CURRY
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 26, 2010

George J. Rael
Environmental Operations Manager
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael Graham
Associate Director Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS 991
Los Alamos, NM 87545

**RE: REQUEST FOR CONCURRENCE ON CHANGES TO THE FORMAT
AND CONTENT OF INVESTIGATION REPORTS PREPARED BY THE
LOS ALAMOS NATIONAL LABORATORY
LOS ALAMOS NATIONAL LABORATORY (LANL),
EPA ID #NM0890010515
HWB-LANL-MISC-ORDER**

Dear Messrs Rael and Graham:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (collectively, the Permittees) letter entitled *Request for Concurrence on Changes to the Format and Content of Investigation Reports Prepared by the Los Alamos National Laboratory* (Request), dated December 21, 2009 and referenced by EP2009-0688. NMED has reviewed the Request and has the following comments.

Data Review Appendix

The Permittees have misinterpreted Section XI.C of the March 1, 2005 Order on Consent (Order). Section XI.C states "[i]n general, interpretation of data shall be presented only in the background, conclusions and recommendations sections of the reports. The other text sections of the reports shall be reserved for presentation of facts and data without interpretation or



qualifications (emphasis added).” This statement is not meant to prohibit *all* interpretations from this section; only those that would exclude data from further discussion. These larger conclusions should be reserved for the “Conclusions” and “Recommendations” sections of the report. For example, Section XI.C.9.b (Soil, Rock, and Sediment Field Screening Results) requires a description of field screening methods and results. This Section also requires a discussion of “[t]he limitations of field screening instrumentation and any conditions that influenced the results of field screening...” Similar requirements are included in Sections XI.C.9.c, XI.C.9.e, XI.C.9.f, XI.C.9.h, XI.C.9.i, XI.C.9.k, and XI.C.9.l of the Order. NMED expects that information presented in the “Site Contamination” sections as well other sections (e.g., Background, Subsurface Conditions, Pilot Testing Results) will be used to draw conclusions related to site characterization and remediation. However, the “Conclusions” and “Recommendations” sections of reports should not consist simply of partial repetitions of the preceding sections of the report.

For clarification, portions of the Data Review Appendix that describe the analytical results and make comparisons to background and screening levels must be included in the “Site Contamination” section of the report. Portions of the Data Review Appendix that discuss data interpretations and conclusions must be included in the “Conclusions” and “Recommendations” sections of the report.

NMED concurs with the Permittees suggestion of presenting supporting information such as figures showing box plots in a separate appendix.

Screening Levels

NMED concurs with the Permittees proposed approach.

Requests for Certificates of Completion

NMED concurs with the Permittees proposed approach.

Please contact Kathryn Roberts at (505) 476-6041 should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
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