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JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 27, 2008

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
P.O. Box 1663, MS M992
Los Alamos, NM 87545

**RE: DIRECTION TO MODIFY
INVESTIGATION REPORT FOR BAYO CANYON AGGREGATE AREA,
REVISION 1
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-08-006**

Dear Messrs. Gregory and McInroy:

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 (LANS) (collectively, the Permittees) *Investigation Report for Bayo Canyon Aggregate Area, Revision 1* (Report), dated May 2008 and referenced by LA-UR-08-3202/EP2008-0226 and the *Response to the Notice of Disapproval, Investigation Report for Bayo Canyon Aggregate Area* (Response) dated May 16, 2008 and referenced by LA-UR-08-3176/EP2008-0225. NMED has reviewed the Response and the Report and directs the Permittees to modify, pursuant to Section III.M.2 of the March 1, 2005 Order on Consent (Order), the Report as follows:

30033



(Comment numbers correspond to the original NOD dated April 24, 2008)

3. As stated in the NOD, a site must not pose an unacceptable risk under a residential scenario and contaminant concentrations in all samples must be below residential soil screening levels (SSLs)/screening action levels (SALs) in order to obtain a Certificate of Completion (COC) or "corrective action complete without controls". The strontium-90 concentrations in two isolated areas south of the former radiochemistry building do not meet residential SALs nor does the area meet risk under a residential scenario. Of particular concern is that the property is under the control of Los Alamos County, rather than the DOE. Therefore, the Permittees do not have control over land use at this location. NMED also notes that the work scope and schedule are subject to discussions between Los Alamos County and DOE.

8. The Permittees state that Consolidated Unit (CU) 10-002(a)-99, which includes SWMU 10-007, meets the DOE target dose limit under the recreational scenario, but does not meet the dose limit under a residential scenario. Of particular concern is that the property is under the control of Los Alamos County as well as the DOE. Therefore, the Permittees do not have absolute control over land use at this location. NMED also notes that the corrective action will be determined by DOE in consultation with Los Alamos County.

The Permittees must submit a work plan(s) for NMED review and approval proposing removal activities at the areas where strontium-90 contamination is present (two isolated areas south of the former radiochemistry building and SWMU 10-007). Additionally, the Permittees must submit a status report which documents the progress, anticipated schedule, or both, of negotiations regarding the proposed corrective actions at the aforementioned areas between Los Alamos County and the DOE. The documents may be combined, and are due no later than August 22, 2008. All submittals (including maps) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order.

Messrs. Gregory and McInroy
May 27, 2008
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Please contact Kathryn Roberts at (505) 476-6041, should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc:

D. Cobrain, NMED HWB
K. Roberts, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
G. Rael, DOE LASO, MS A316
S. Stiger, ENV MS J591
File: Reading and LANL '08, TA-10 [Consolidated Units: 10-001(a)-99, 10-002(a)-99;
SWMUs: 10-004(a) and 10-006, and AOCs: 10-009, C-10-001]