

TAOO

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 26, 2008

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
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David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
P.O. Box 1663, MS M992
Los Alamos, NM 87545

**RE: APPROVAL WITH MODIFICATIONS
PUEBLO CANYON AGGREGATE AREA
PHASE II INVESTIGATION WORK PLAN
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-08-049**

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) *Pueblo Canyon Aggregate Area Phase II Investigation Work Plan* (Phase II IWP), dated October 2008 and referenced by LA-UR-08-6722 and EP2008-0556. NMED hereby approves the Phase II IWP with the following modifications:

Specific Modifications:

1. The Phase II IWP (Section 2.1.2, page 3) indicates recreational users are the only human receptors that could reasonably be expected to be present at Solid Waste Management Unit (SWMU) 00-018(a) under current and potential future exposure scenarios. The residential scenario was evaluated for this SWMU in the July 2008 *Pueblo Canyon Aggregate Area Investigation Report, Revision 1* (IR). Section XI.E.7 of the March 1, 2005 Consent Order (Order) requires the Permittees to evaluate the residential land use scenario. The Permittees



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must include evaluation of the residential scenario for SWMU 00-018(a) for comparison in the Phase II Pueblo Canyon Aggregate Area Investigation Report (Phase II IR).

2. Section 2.1.1, Site Description and Operational History, last paragraph, penultimate and last sentences, page 3:

Permittees' Statement: "Figure 2.1-1 is a photograph showing current site conditions. "As-built" drawings for the [decontamination and decommissioning] D&D of the Pueblo Canyon [Wastewater Treatment Plant] WWTP will be provided by Los Alamos County as soon as they are finalized."

NMED Comment: Although decommissioning of SWMU 00-018(a) occurred in the summer of 2008, the photograph shows a date stamp of October 22, 2007. If the figure will be included as part of the Phase II IR, either remove the date stamp from the photo or, add a note to the figure caption indicating the dating error. Include the "as built" drawing(s) in the Phase II IR.

3. Section 4.5, Sampling and Analysis for Consolidated Unit 45-001-00, [Technical Area] TA-45 WWTP, page 11:

NMED Comment: In Specific Comment 9 of the June 27, 2008 Notice of Disapproval (NOD) for the IR, NMED directed the Permittees to propose two additional sample locations to be placed up slope and down slope of sample location 45-01068. The Permittees' July 25, 2008 response to the NOD indicated the two new sample locations would be proposed. The Phase II IWP proposes deeper sampling at location 45-01068 but only proposes a new location up slope of sample location 45-01068. The Permittees must collect samples from both locations as indicated in their NOD response. Sample intervals for both of the new sample locations must be consistent with intervals that have been or will be collected at location 45-01068. Include the data from the new sample locations in the Phase II IR.

The Pueblo Canyon Aggregate Area Phase II IR must be submitted to NMED no later than June 30, 2010. The notice date will be November 29, 2010. 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
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Please contact Daniel Comeau at (505) 476-6043, should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
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File: LANL Pueblo Canyon AA Phase II IWP 2008