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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 23, 2009

Max Baker
County Administrator
Los Alamos County
133 Central Park Square
P. O. Box 30
Los Alamos, New Mexico 87544

**RE: IMPLEMENTATION OF THE LOS ALAMOS NATIONAL LABORATORY
(LANL) OBSERVATION PLAN FOR DEMOLITION OF THE BAYO CANYON
WASTE WATER TREATMENT PLANT
AREA OF CONCERN 00-018(b)**

Dear Mr. Baker:

The New Mexico Environment Department (NMED) recently met with representatives of the Los Alamos National Laboratory (LANL) owner (the U.S. Department of Energy (DOE)) and co-operator (Los Alamos National Security, LLC (LANS)), and Los Alamos County (County) to discuss the ongoing decommissioning and demolition of the Bayo Canyon Wastewater Treatment Plant (Bayo WWTP). NMED was asked to provide a letter to summarize its understanding of the roles and responsibilities of the NMED and other parties in the implementation of the environmental aspects of the project, as codified in the April 2009 *Observation Plan for Demolition of the Bayo Canyon Wastewater Treatment Plant. Area of Concern 00-018(b)*, by Los Alamos County (Observation Plan). NMED's authority and responsibility to regulate hazardous waste and hazardous constituents, including volatile organic compounds (VOCs), under the New Mexico Hazardous Waste Act (HWA) forms the basis of NMED's role in the work being conducted at the Bayo WWTP.

NMED expects the County to allow DOE, LANS, and NMED access to the Bayo WWTP during demolition activities at the site. DOE and LANS will have access to conduct visual, olfactory, and field screening activities for potential organic vapors that may be encountered during ground-disturbing activities. DOE and LANS will also have access to create photographic



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documentation. NMED expects to have access to observe ground-disturbing activities associated with demolition of the Bayo WWTP and to observe the documentation activities conducted by DOE and LANS. NMED may be present at the site from time to time to collect split samples of environmental media to verify sample data collected by DOE or LANS. In the event soil screening results indicate potential hazardous site conditions may adversely affect site workers, DOE or LANS will confer with the appropriate County officials to determine an appropriate course of action that will be protective of human health and the environment. NMED will conduct all activities in a manner that does not unreasonably interfere with the County's efforts to comply with demolition requirements for the Bayo WWTP or with the County's use of its property.

DOE and LANS retain responsibility for documenting any contaminants of potential concern (COPCs), including VOCs, that may be found or discovered during ground-disturbing activities associated with demolition of the Bayo WWTP. DOE and LANS have proposed observation, photographic documentation and radiological field screening during ground-disturbing activities associated with the demolition of Area of Concern (AOC) 00-018(b). Radionuclide contamination is not covered by the March 1, 2005 Order on Consent (Consent Order), and any reporting of radionuclide contamination is voluntary on DOE's part. DOE and LANS must therefore also screen for the presence of organic contaminants using visual and olfactory observations and provide headspace organic vapor field screening during ground-disturbing activities using a photo-ionization detector (PID) equipped with a 10.6 electron volt (eV) lamp or other instrument type that will provide comparable screening information. The organic vapor screening will be conducted in accordance with Section IX.B.2.d of the Consent Order;

In the event that screening results indicate the potential presence of contamination, DOE or LANS will collect a representative environmental media sample(s) of material showing the highest field screening evidence of contamination from a given ground-disturbance area and submit the sample(s) for laboratory analyses of VOCs. Within 60 days of completion of ground-disturbing activities associated with demolition of AOC 00-018(b), or within 60 days of submittal of the last environmental media sample(s) (whichever is later), DOE and LANS will submit an AOC 00-018(b) Demolition Documentation Report (Report) to NMED. Upon completion of demolition, monitoring and the Demolition Documentation Report according to this letter, the LANL Permittees may recommend AOC 00-018(b) for removal from the Consent Order list. NMED's action will be based on the results of the sampling and other information in the administrative record.

The Report will include discussion of all field work conducted during ground-disturbing and site demolition activities, provide summary tables of all field screening results and laboratory analytical results (if any) and provide labeled photographic logs of any observed media staining/field screening locations. A map will be included showing site ground-disturbing areas selected for field screening activities including laboratory analytical sample collection locations, if any.

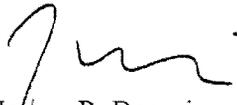
If contaminated material is identified, work (including the observation activities described in the Observation Plan) may proceed in other areas. The County is responsible for ensuring proper

disposal of demolition-related waste and any media affected by the County's operation, maintenance, or demolition of the Bayo WWTP, except that DOE and LANS are responsible for any environmental material that either: (1) exceeds background values or fallout values (BVs/FVs) for radionuclides and must be removed for project reasons (e.g., cannot be reused on-site because of County work requirements); or (2) has the potential to exceed residential soil screening standards for VOCs, will be removed, containerized, characterized, and appropriately handled by DOE or LANS.

NMED understands that the demolition of the Bayo WWTP is anticipated to take approximately 90 to 120 working days. NMED expects DOE and LANS to work with NMED and County project personnel to ensure changes in schedule and project duration are communicated in a timely manner. NMED will not direct or interfere with County employees or their subcontractors. NMED personnel will observe from a safe location and will avoid hazards associated with demolition work, including vehicular traffic, heavy equipment, and overhead hazards. NMED expects DOE and LANS to conduct their operations in a similar manner.

NMED appreciates the opportunity to work closely with the County, and does not foresee this project to be substantially different from a standard demolition project where contamination may be encountered. Decisions may have to be made in the field, and NMED stands ready to engage with the appropriate parties to facilitate the progress of the project. Please do not hesitate to contact me at (505) 476-6016 should you have any questions, or have your staff contact Daniel Comeau of my staff at (505) 476-6043.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
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