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DEPARTMENT OF ENERGY
National Nuclear Security Administration
Los Alamos Site Office
Los Alamos, New Mexico 87544



JUL 13 2012

John Kieling, Bureau Chief
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303

Dear Mr. Kieling:

References:

1. NMED Letter to D. Gregory, FPD, LASO, and D. McInroy, RSDPD, LANS, from J. Bearzi, HWB, NMED, Subject: "Nonconcurrency with Land Transfer of Tract A-14a, -14c, and -14d (Rendija Canyon) Los Alamos National Laboratory EPA ID#NM0890010515", dated October 7, 2009
2. NMED Letter to D. Gregory, FPD, LASO, and D. McInroy, RSDPD, LANS, from J. Bearzi, HWB, NMED, Subject: "Approval With Direction (AWD) for the Investigation Report for Guaje/Barrancas/Rendija Canyons, Revision 1 (EP08-004)", dated December 20, 2007
3. LANS Letter to P. Johnsey, U.S. EPA, and R. Powell, SWQB, NMED, from A. Grieggs, EPD, LANS, and G. Turner, EPO, LASO, "NPDES Permit No. NM0030759 - Submittal Of 2011 Storm Water Individual Permit Annual Report (January 1 - December 31, 2011)", dated March 1, 2012
4. U.S. EPA Letter to D. Winchell, OOM, LASO, and R. Watkins, ADESHQ, LANS from M. Flores, U.S. EPA, Subject: "NPDES Permit No. NM0030759, Final Permit Modification Decision, Authorization to Discharge Under the National Pollutant Discharge Elimination System", dated September 30, 2010
5. LANS Letter to J. Bearzi, HWB, NMED, from G. Rael EPO, LASO, and M. Graham, ADEP, LANS, Subject: "2009 Biennial Ordnance Survey Report, Solid Waste Management Units 00-011(a, c, d, and e) and Area of Concern C-00-020, Guaje/Barrancas/Rendija Canyons Aggregate [Area] (LA-UR-09-8186), December 2009 (EP2009-0684)," dated December 2009
6. NMED letter to G. Rael, EPO, LASO, and M. Graham, ADEP, LANS, from J. Kieling, HWB, NMED, Subject: "2011 Biennial Ordnance Survey Report, Solid Waste Management Units 00-011(a, c, d, and e) and Area of Concern C-00-020, Guaje/Barrancas/Rendija Canyons Aggregate Area, (LA-UR-11-6766), dated December 2011 (EP2011-0383)" dated December, 2011
7. LASO Letter to F. David Martin, Cabinet Secretary, NMED, from K. Smith, OOM, LASO, Subject: "Request to Reconsider Their Past Position and Grant Concurrence", dated February 27, 2012

Subject: Request for Concurrence with Land Transfer in the Guaje/Barrancas/Rendija Canyons Aggregate Area

In the October 7, 2009 letter, "Nonconcurrency with Land Transfer of Tract A-14a, -14c, and -14d (Rendija Canyon) (Ref. 1)", the New Mexico Environment Department (NMED) stated that the site conditions at the aforementioned land tracts were not protective of human health in light of the Los Alamos County's intended use of the property and did not concur with the U. S.



Department of Energy (DOE), National Nuclear Security Administration (NNSA), Los Alamos Site Office (LASO) conveyance of the property. In addition, the letter references the NMED's 2007 "Approval With Direction (AWD) for the Investigation Report for Guaje/Barrancas/Rendija Canyons, Revision 1 (EP08-004) (Ref. 2)", in which LASO and Los Alamos National Security, LLC (LANS) were required to conduct storm water monitoring, conduct biennial visual surveys for ordnance, remove any exposed munitions and explosives of concern (MEC) or munitions debris (MD), and develop procedures for future construction activities including institutional controls.

The Los Alamos Site Office and LANS successfully conducted storm water monitoring at four sample management areas associated with this land transfer request in Fiscal Year 2011, but has not been able to collect storm water samples at these locations (Ref. 3). The storm water direction issued by NMED predated the effective date of the National Pollutant Discharge Elimination System Individual Permit (IP) issued to the LASO and LANS (Ref. 4) for discharges of storm water from Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs). Discharges of storm water from SWMUs 01-011(a, c, d, and e) are now monitored in accordance with the requirements of the IP and additional storm water monitoring under the Consent Order is not warranted.

In addition, LANS has successfully conducted two biennial visual surveys at SWMUs 00-011(a, c, d, and e) and AOC C-00-020 to identify and remove MD to address the uncertainty associated with prior ordnance surveys. The ordnance surveys conducted in September and October 2009 (Ref. 5) and October and November 2011 (Ref. 6) only identified (and removed) small fragments of MD, posing no risk to the public. No unexploded ordnance was found during these surveys or in prior surveys. LASO and LANS believe that the visual surveys performed since the 2007 AWD have reduced the uncertainty noted and that further visual surveys are unnecessary.

Given that the County of Los Alamos intends to use the tract for recreational purposes, future construction is not anticipated for this property. Because construction activities are not planned for this parcel, procedure development for construction activities is not necessary. The biennial ordnance surveys found no unexploded ordnance and indicated that the risk of finding unexploded ordnance in the future was unlikely, negating the need for posting procedures.

Therefore, the actions required by NMED in the October 7, 2009 letter are considered completed. These efforts were also documented in the LASO letter "Request to Reconsider Their Past Position and Grant Concurrence", dated February 27, 2012 (Ref. 7), which requested NMED to reconsider its position on conveying Land Conveyance and Transfer Tracts A-14a, -14c, and -14d.

Based on the above information, LASO requests that NMED withdraw its nonconcurrency (Ref. 1) with the conveyance of Land Conveyance and Transfer Tracts A-14a, -14c, and -14d (Rendija Canyon) to the County of Los Alamos.

If you have any questions, contact David Rhodes at (505) 665-5325 or electronically at david.rhodes@nnsa.doe.gov or Vicki Loucks at (505) 667-6819 or electronically at vicki.loucks@nnsa.doe.gov.

A handwritten signature in black ink that reads "Kevin W. Smith". The signature is written in a cursive style with a long horizontal stroke at the end.

Kevin W. Smith
Manager

cc:

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