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ENVIRONMENT DEPARTMENT



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 5, 2012

Kevin Smith
Manager
Environmental Projects Office
National Nuclear Security Administration
Los Alamos Site Office
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

**RE: GUAJE/BARRANCAS/RENDIJA CANYONS AGGREGATE AREA SITES
EPA ID #NM0890010515
HWB-LANL-12-MISC-LT**

Dear Mr. Smith:

The New Mexico Environment Department (NMED) has received the United States Department of Energy's (DOE's) letter entitled *Request for Concurrence with Land Transfer in the Guaje/Barrancas/Rendija Canyons Aggregate Area* (Letter), dated July 13, 2012 and received on July 18, 2012.

The Letter requests that NMED withdraw its nonconcurrence with the conveyance and transfer Tract A-14a, -14c, and -14d (Rendija Canyon) to the County of Los Alamos (LAC). The October 7, 2009 letter issued by NMED did not concur with land transfer and provided justification for nonconcurrence with the transfer of the abovementioned tracts. The Los Alamos County's draft *Rendija Canyon Master Plan 2009*, dated June 15, 2009, indicated that land is proposed to be used for recreational purposes only. The land will also be used by the Pueblo of San Ildefonso for cultural purposes.

35566



The solid waste management units (SWMUs) that are located on the tract are former mortar impact areas. The tract is partially fenced and posted with "Explosives No Trespassing" signs. However, the site is frequently used by the public for horse riding, hiking, and off-road vehicles. The visual surveys conducted in 2006 found high explosive mortar rounds and munitions debris (MD) at the site. The Los Alamos National Laboratory (Laboratory) was directed to conduct biennial visual surveys of the former firing sites and to remove any exposed munitions and explosives of concern (MEC) or MD. Biennial visual surveys were conducted in 2009 and 2011 and MD was found at SWMUs 00-011(a, d, and e). No unexploded ordnance (UXO) was found during these surveys. However, discovery of MD indicates that erosion, human or animal activities and other geological processes have the potential to unearth UXO or MEC/MD that could pose safety hazards. DOE was directed to continue conducting biennial surveys at SWMUs 00-011(a), (d), and (e) and the next report is due no later than December 31, 2013 as specified in NMED's December 28, 2011 response to the 2011 Biennial Ordnance Survey Report (LA-UR-11-6766/EP2011-0383). Since MD continues to be observed during the ordnance surveys, NMED requires that the Laboratory continue to monitor the site biennially for exposed MD/MEC and remove any items found.

In addition, the Laboratory has not been able to collect storm water samples at four management areas associated with the tract. It is not clear what is meant by the statement "The Los Alamos Site Office and [Los Alamos National Security, LLC] 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)." Since the Laboratory has not been able to collect storm water data at these areas, storm water monitoring has not been conducted to date.

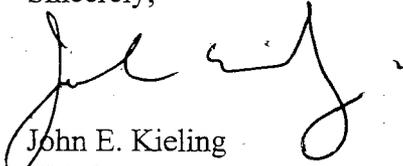
Please note that the document listed as reference #7 is not available in the Hazardous Waste Bureau (HWB)'s administrative record, possibly because HWB was not included on the distribution list. Therefore, the document was not reviewed.

In light of the uncertainty associated with the MEC/MD surveys and the fact that MD was found at the site during the two previous surveys, the safety concerns remain for these sites. Because MD continues to be found during the biennial surveys, NMED is unable to withdraw its non-concurrence at this time; however, the site may be considered for corrective action complete with controls status. If the Permittees intend to transfer the land to LAC, the Permittees must propose controls to reduce or eliminate potential hazards (e.g., biennial surveys, fencing, signage) and a procedure to implement such measures to address NMED's concerns regarding the safety of the public.

Mr. Smith
November 5, 2012
Page 3

Please contact Neelam Dhawan at (505) 476-6042, if you have any questions.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

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File: 2012 LANL, Rendija Canyon AA Sites (LANL 12-MISC-LT)