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GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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RON CURRY
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 20, 2003

Everett Trollinger, Program Manager
Office of Los Alamos Site Operations
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

Dr. John C. Browne, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, NM 87545

**RE: APPROVAL OF THE PLAN FOR THE VOLUNTARY CORRECTIVE ACTION
AT POTENTIAL RELEASE SITES (PRSs) 0-030(b)-00, 0-027, 0-030(a), 0-
029(a,b,c), 0-010(a,b), AND 0-033(a), AND THE INTERIM ACTION AT PRS 21-
021
LOS ALAMOS NATIONAL LABORATORY, NM0890010515
HWB-LANL-02-010**

Dear Mr. Trollinger and Dr. Browne:

The Hazardous Waste Bureau (HWB) of the New Mexico Environment Department is in receipt of the Plan for the Voluntary Corrective Action (VCA) at Potential Release Sites (PRSs) 0-030(b)-00, 0-027, 0-030(a), 0-029(a,b,c), 0-010(a,b), and 0-033(a), and the Interim Action at PRS 21-021, dated June 2002 and referenced by LA-UR-02-1081 (ER2002-0094). The HWB is also in receipt of the Response to the Request for Supplemental Information (RSI), dated January 6, 2003 and referenced by ER2002-0891. HWB has reviewed and approves these documents with the following exceptions.

In the RSI, the HWB commented that Los Alamos National Laboratory (LANL) shall use existing data from reach DP-1W of DP Canyon to evaluate releases from the PRS 0-030(a) outfall. The HWB further commented that this already-existing data shall be presented and evaluated in the final report for this VCA. The HWB does not agree with LANL's response to



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this comment and is requiring LANL to present and evaluate this data as it may pertain to this site in its final report before the report can be approved and the site can be removed from the facility's Hazardous Waste Permit.

In the RSI, the HWB commented that the Environmental Protection Agency (EPA), under the Toxic Substance Control Act (TSCA), has established PCB remediation waste cleanup and disposal regulations. PCBs are also regulated under the Resource Conservation and Recovery Act (RCRA) as administered by HWB. In its response to the comment, LANL has failed to acknowledge that either the TSCA or RCRA regulations apply to these sites. LANL shall determine which of these regulations apply and shall use the appropriate regulations when remediating the PCB contaminated sites in this VCA plan. If LANL requires further information on how to perform corrective action at PCB sites under the TSCA regulations, LANL should contact the PCB Spill Coordinator at EPA Region VI.

Should you have any questions, please feel free to contact me at (505) 428-2548.

Sincerely,



Darlene X. Goering
Project Leader
Permits Management Program

cc: J. Bearzi, NMED HWB
J. Davis, NMED SWQB
D. Goering, NMED HWB
J. Parker, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
J. Vozella, DOE OLASO, MS A316
B. Ramsey, LANL RRES/DO, MS M591
N. Quintana, LANL E/ER, MS M992
D. McInroy, LANL E/ER, MS M992
file: Reading and LANL TA:0 (Land Transfer, DP Road, 6th Street Warehouse,
SWMU 21-021)