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**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

December 30, 2003

Mr. Theodore J. Taylor  
Los Alamos Site Office  
Department of Energy  
528 35<sup>th</sup> Street, Mail Stop A316  
Los Alamos, New Mexico 87544

**SUBJECT: COMMENTS ON THE LAND TRANSFER PARCEL, TRACT A-8 (DP ROAD SOUTH)  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID# NM0890010515  
NMED TASK # LANL-03-013**

Dear Mr. Taylor:

The New Mexico Environment Department (NMED) has completed a preliminary review of the Department of Energy and the Los Alamos National Laboratory's (collectively, the Permittees) document titled *Completion Report for the VCA at SWMUs 0-030(a), 0-030(b)-00, and 0-033(a) and AOCs 0-029(a,b,c) and 0-010(a,b) and for the IA at SWMU 21-021-99 at Los Alamos National Laboratory*, submitted September 30, 2003 and referenced by LA-UR-03-4326 (ER 2003-0445).

NMED's technical review of the document was conducted in accordance with 20.4.2.200.A(7) NMAC and 20.4.1 NMAC. NMED is providing comments at this time only for the sites that are part of the proposed land transfer parcel, A-8 (DP Road South). According to the site map provided in the Department of Energy's September 29, 2003 document titled *Environmental Baseline Survey for A-8 DP Road Tract South*, this parcel includes AOC 0-010(a), SWMUs 0-030(b) and 0-030(m), and part of the SWMU 21-021 portion of the consolidated SWMU 21-021-99. NMED cannot agree with the requests for No Further Action (NFA) for the majority of these sites at this time. NMED has determined that the corrective measures implemented with regard to land tract A-8 are not protective of human health and the environment and that further



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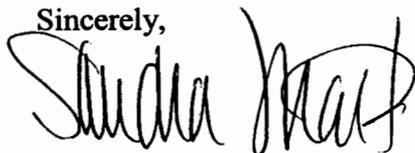
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investigation, assessment, or remediation is needed at these sites in order for NMED to consider granting the NFA requests. Attachment 1 to this letter includes NMED's specific comments and details regarding the deficiencies in the investigation of the subject sites. NMED agrees with the Permittees that no action is needed at this time at AOC 0-010(a). However, the Permittees will be required to notify NMED if any evidence of contamination or the existence of this site is discovered during any future activities at the site.

Comments on the remaining SWMUs and AOCs that were included in the VCA Report but are not part of the land transfer parcel A-8 will be provided upon NMED's completion of review of the information provided by the Permittees. The remaining sites include AOCs 0-004, 0-033(b), 0-010(b), and 0-029(a,b,c) and SWMUs 0-030(l), 0-030(a), and 0-033(a).

If you have any questions regarding these comments, please contact Carolyn Cooper of my staff at (505) 428-2539.

Sincerely,



Sandra Martin  
Acting Chief  
Hazardous Waste Bureau

cc: C.Voorhees, NMED DOE-OB  
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File: Reading and ~~LANL~~ TA-0 and TA-21 (0-030(b)-00, 0-010(a), and 21-021-99)

**Attachment 1**  
**Comments on the Land Transfer Parcel A-8 (DP Road South): SWMU 0-030(b), SWMU 0-030(m), AOC 0-010(a), and the SWMU 21-021 portion of the consolidated SWMU 21-021-99**

**Comment 1**

NMED cannot approve the Permittees' request for No Further Action (NFA) for SWMU 0-030(b) at this time, because the extent of contamination in the leach field area has not been adequately determined. The 2002 VCA Plan states that data is needed in the leach field area at 2-5 feet for VOCs. However, only four (4) additional surface (0-0.5 feet) samples were collected. No subsurface data were provided for the leach field area, at either 2-5 feet or 5-15 feet. Samples must be collected at 2-5 feet and 5-15 feet in the leach field in order to determine the extent of contamination at the site.

The data from 0-030 (b) contain numerous radionuclide constituents that are qualified as undetected based on their results having a value of less than three times the total propagated uncertainty (3-sigma). NMED will not accept data that is qualified as undetected (U) if the qualification is based on comparing the result to 3-sigma. The radionuclide data must include the activity concentration and the associated minimum detectable concentration, even when the results are less than zero (negative). The Permittees must not censor the data based on detection limits, quantitation limits, or measurement uncertainty. NMED requires that the radionuclide analysis report the activity concentration with the corresponding MDC (minimum detectable concentration), not the total propagated uncertainty. Detection will be considered an analytical result with no qualifiers "U" (not detected above detection limit) or "UJ" (not detected above detection limit; the value is inaccurate or imprecise) as reported by the analytical laboratory, not including (i.e. not adding or subtracting) the measurement uncertainty. NMED views the use of the 3-sigma uncertainty as a means of discarding data and presenting misleading information regarding the true nature and potential presence of contaminants at a site. The additional required sampling as described above must be conducted using proper QA/QC and data validation procedures. After conducting the required additional investigation at the site, then it will be appropriate to conduct a risk screening assessment for the site.

**Comment 2**

NMED cannot approve the Permittees' request for No Further Action (NFA) for SWMU 0-030(m) at this time, because the extent of contamination at the site has not been adequately determined. The planned Voluntary Corrective Action essentially was not conducted. Only portions of the piping were removed and many planned samples were not collected. Safety concerns, including the discovery of several active unmarked utility lines in the excavation, precluded the collection of samples around the septic tank. The sample of the outlet pipe's contents was collected as a waste characterization sample, but was used as an investigation sample because the piping was not removed. This is not acceptable to NMED. This sample was only analyzed for TCLP metals, instead of the COPCs for the site which include VOCs, SVOCs, PCBs, pesticides, isotopic uranium, isotopic plutonium, and gamma-emitting radionuclides. Proper investigation sample(s) must be collected and analyzed for this full suite of analytes.

The remaining piping at the site must be removed, in order to prevent exposure to any residual concentrations of COPCs within the pipe. After removal of the piping, the soil below must be visually inspected for staining or other evidence of leaks from the pipe and confirmatory samples of the soil must be collected. In addition, further investigatory samples are needed. Sampling outside the tank is essential to determine if the tank leaked laterally. As noted in the 2002 VCA Plan, trenching and sampling south of tank is also needed to determine the extent of contamination.

The data from 0-030 (m) contain numerous radionuclide constituents that are qualified as undetected based on their results having a value of less than three times the total propagated uncertainty (3-sigma). NMED will not accept data that is qualified as undetected (U) if the qualification is based on comparing the result to 3-sigma. The radionuclide data must include the activity concentration and the associated minimum detectable concentration, even when the results are less than zero (negative). The Permittees must not censor the data based on detection limits, quantitation limits, or measurement uncertainty. NMED requires that the radionuclide analysis report the activity concentration with the corresponding MDC (minimum detectable concentration), not the total propagated uncertainty. Detection will be considered an analytical result with no qualifiers "U" (not detected above detection limit) or "UJ" (not detected above detection limit; the value is inaccurate or imprecise) as reported by the analytical laboratory, not including (i.e. not adding or subtracting) the measurement uncertainty. NMED views the use of the 3-sigma uncertainty as a means of discarding data and presenting misleading information regarding the true nature and potential presence of contaminants at a site. The additional required sampling as described above must be conducted using proper QA/QC and data validation procedures. After conducting the required additional investigation and piping removal at the site, then it will be appropriate to conduct a risk screening assessment for the site.

#### **Comment 3**

NMED does not require further investigation of AOC 0-010(a) at this time and grants the Permittees' request for No Further Action (NFA) under NFA Criterion 2. However, if evidence of contamination or the existence of a disposal area/landfill is discovered at this site during future excavation, construction, or other activities, then NMED will require the Permittees to notify NMED and investigate the site. It is acknowledged that the Environmental Protection Agency concurred with the Department of Energy's NFA Criterion 2 request in October 1992.

#### **Comment 4**

NMED cannot approve the Permittees' request for No Further Action (NFA) for the SWMU 21-021 portion of the consolidated SWMU 21-021-99 at this time. Only a portion of SWMU 21-021 was investigated as part of the Interim Action, and NMED does not grant NFA requests on partial SWMUs.

The data from SWMU 21-021 contain numerous radionuclide constituents that are qualified as undetected based on their results having a value of less than three times the total propagated uncertainty (3-sigma). NMED will not accept data that is qualified as undetected (U) if the qualification is based on comparing the result to 3-sigma. The radionuclide data must include the

activity concentration and the associated minimum detectable concentration, even when the results are less than zero (negative). The Permittees must not censor the data based on detection limits, quantitation limits, or measurement uncertainty. NMED requires that the radionuclide analysis report the activity concentration with the corresponding MDC (minimum detectable concentration), not the total propagated uncertainty. Detection will be considered an analytical result with no qualifiers "U" (not detected above detection limit) or "UJ" (not detected above detection limit; the value is inaccurate or imprecise) as reported by the analytical laboratory, not including (i.e. not adding or subtracting) the measurement uncertainty. NMED views the use of the 3-sigma uncertainty as a means of discarding data and presenting misleading information regarding the true nature and potential presence of contaminants at a site.

NMED cannot evaluate the data as it is currently presented. If feasible, the Permittees must re-evaluate the data and present it to NMED as described above. A revised figure presenting this data must also be prepared and submitted to NMED. If the Permittees are unable to re-evaluate this data, then the site must either be re-sampled, and the data must be evaluated using proper data validation procedures, or the contaminated surface soil (0-6 inches deep) must be removed from the site.

Removing the contaminated surface soil is a corrective action that would alleviate future concerns regarding migration of contaminants from the site and potential exposure to receptors. Because this site includes a portion of BV Canyon, a small tributary of Los Alamos Canyon, NMED is concerned about soil erosion and migration of contaminants to Los Alamos Canyon from the site. After the Permittees have removed the soil, then confirmatory samples must be collected to ensure that the corrective action was successful. After remediation is conducted, then it will be appropriate to conduct a risk screening assessment for the site. Additionally, the data presented for this site do not conclusively show that contaminants from MDA B have not migrated to the surface soil or within the subsurface outside the boundaries of MDA B.