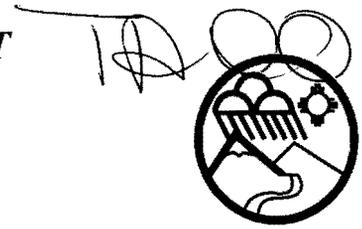




BILL RICHARDSON
GOVERNOR

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RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 11, 2005

David Gregory, Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

G. Pete Nanos, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, NM 87545

RE: APPROVAL AS MODIFIED
LOS ALAMOS AND PUEBLO CANYONS INVESTIGATION REPORT
LOS ALAMOS NATIONAL LABORATORY (LANL), NM0890010515
HWB-LANL-04-006

Dear Messrs. Gregory and Nanos:

The New Mexico Environment Department (NMED) is in receipt of the *Response to the Notice of Disapproval, Los Alamos and Pueblo Canyons Investigation Report*, referenced by LA-UR-05-3107 (ER2005-0261) and dated April 29, 2005. NMED has reviewed this document and hereby approves this document, as modified below. The University of California and the Department of Energy (collectively, the "Permittees") have committed to provide the additional information requested in NMED's notice of disapproval in a supplemental investigation report. This submittal will be due to NMED no later than December 15, 2005 and will be subject to review and approval in accordance with Section III.M of the Consent Order. If the Permittees fail to implement the modifications, the approval for this document will be automatically rescinded. NMED also approves the *Los Alamos and Pueblo Canyons Investigation Report*, referenced by LA-UR-04-2714 (ER2005-0027) and dated April 2004. The Permittees are reminded that the conclusions presented in this report and the approval of said conclusions may change based on the Permittees' supplemental investigation report.

The Permittees's response to general comment #3 proposes sampling sediments in one reach



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Messrs. Gregory and Nanos

May 11, 2005

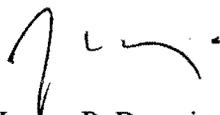
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upcanyon (P-1E) and one downcanyon (P-2W) from solid waste management unit 73-002 for additional dioxin/furan data. NMED believes that a better representation of dioxin/furan contamination in the canyon bottom and of past migration would be obtained from the two downcanyon reaches of P-2W and P-2E. These data would also better determine if the future land transfer parcel east of P-2E has been impacted by these contaminants.

The Permittees' response to specific comment #2 is partially adequate. The original comment indicated concern that the Permittees were dropping all constituents of potential concern (COPCs) from the risk analysis if the detection frequency was less than or equal to 5%. As indicated in the Permittees' response, if there is the potential that a constituent is present due to site activities, the constituent must be retained in the risk analysis, regardless of the detection frequency (unless all samples were non-detect). The comment requested that, at a minimum, a separate risk analysis based upon the low detection COPCs be conducted and discussed in an uncertainty analysis. The Permittees indicated that some of the COPCs will be retained in the risk analysis, if the COPC meets one of two criteria. This is acceptable. However, for those COPCs that do not meet one of the two criteria, the Permittees propose to still exclude them. This is not acceptable, as the Permittees did not provide sufficient justification that the COPCs could not be present due to site activities. For those COPCs that are not either 1) present in other media in the subwatershed with a detection frequency of $\geq 5\%$, or 2) part of a closely related suite containing other analytes present at a detection frequency of $\geq 5\%$, the risks must still be evaluated. For those COPCs not meeting the above criteria, the Permittees must still evaluate the risks, at a minimum, in a separate analysis and discuss the results in the uncertainties section of the supplemental investigation report.

Should you have any questions, please feel free to contact Darlene Goering of my staff at (505) 428-2542.

Sincerely,



James P. Bearzi
Chief

Hazardous Waste Bureau

JB:dxg

cc: L. Trevizo, NMED HWB
D. Goering, NMED HWB
M. Leavitt, NMED SWQB
B. Olson, NMED GWQB

Messrs. Gregory and Navas

May 11, 2005

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S. Yanicak, NMED DOE OB, MS J993

L. King, EPA 6PD-N

J. Ordaz, DOE OLASO, MS A316

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file: Reading and LANL '05