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

July 19, 2005

David Gregory, Federal Project Director  
Los Alamos Site Office  
Department of Energy  
528 35<sup>th</sup> 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 WITH MODIFICATIONS FOR THE INVESTIGATION WORK  
PLAN FOR THE NORTH CANYONS, SEPTEMBER 2001,  
LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515  
HWB-LANL-05-001**

Dear Messrs. Gregory and Nanos:

The New Mexico Environment Department (NMED) has received and reviewed the United States Department of Energy and the Regents of the University of California's (collectively, the Permittees) *Response to the Notice of Disapproval (NOD) for the Investigation Work Plan for the North Canyons*, dated June 2005, and referenced by LA-UR-05-4495 (Supplement to LA-UR-01-1316)/ER2005-0387. NMED hereby approves the work plan with the modifications described in this letter. However, this approval is withheld until the Permittees submit the revised text and/or pages for the comments specified in the aforementioned letter. All submittals must be in the form of two paper copies and one electronic copy in accordance with section XI.A of the March 1, 2005 Consent Order (Order).

The Permittees must document in the Investigation Report for the North Canyons (Report) all activities conducted pursuant to this approval, including the modifications outlined in this letter. Noncompliance with the modifications outlined in the approval letter will result in automatic



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rescission of the work plan approval and potentially subject the Permittees to an enforcement action. As a reminder, the Permittees shall not respond to the comments provided in an Approval with Modifications unless NMED specifically requires a response and/or resubmittal (i.e. revised text and/or pages, additional information) in the approval letter.

*(Note: Comment number refers to the original NOD dated May 12, 2005)*

- 17) **NMED Comment:** In accordance with Section IX.B.2.b.ii of the Order, homogenization of discrete samples collected for analyses other than VOCs and SVOCs shall be performed by the analytical laboratory and not in the field, if necessary. Any samples collected for analyses of VOCs and SVOCs shall not be homogenized.

The Permittees state in their *Core Document for Canyon Investigations (Core Document)* that "heavy metals and radionuclides discharged from the Laboratory in liquid effluent preferentially adsorb to finer-grained sediment particles." In those cases where liquid effluents are the only source of contamination, sieving of samples may be appropriate. The Permittees must ensure that samples collected for volatile compounds analysis or wet samples are not sieved because chemical and physical losses may occur. The analytical laboratory may sieve the soil samples only if it has a standard operating procedure on the subject. The Permittees shall not sieve samples in the field. The Core Document goes on to state that "[in] some cases, however, such as locations where fragments of shrapnel or depleted uranium are (or have been) dispersed from firing sites, higher concentrations of contaminants as larger, heavy particles may be present in active channel deposits." In these cases, sieving of samples is not appropriate because the large fractions may contain the bulk of the contaminant concentrations. The Permittees' previous claim that "any biases imparted by sieving would be on the high side and would, therefore, result in a conservative estimation of contaminant levels and potential risk" is not always accurate. The Permittees must not sieve at any sampling location downgradient or immediately upgradient of any firing sites within the North Canyons investigation area.

Messrs. Gregory and Nas...  
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Should you have any questions, please contact Kathryn Chamberlain at (505) 428-2546.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

JPB:kc

cc D. Goering, NMED HWB  
K. Chamberlain, NMED HWB  
J. Volkerding, NMED DOE OB  
S. Yanicak, NMED DOE OB, MS J993  
L. King, EPA 6PD-N  
J. Ordaz, DOE LASO, MS A316  
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file: Reading and LANL TA-1, '05