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State of New Mexico
ENVIRONMENT DEPARTMENT



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 23, 2005

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

David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop M992
Los Alamos, NM 87545

RE: APPROVAL WITH MODIFICATIONS
PUEBLO CANYON AGGREGATE AREA INVESTIGATION WORK PLAN
EPA ID #NM0890010515
HWB-LANL-05-006

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has reviewed the *Response to the Notice of Disapproval for the Pueblo Canyon Aggregate Area Investigation Work Plan*, referenced by LA-UR-05-6235/ER2005-0563 and dated August 26, 2005. NMED hereby approves the *Pueblo Canyon Aggregate Area Investigation Work Plan*, referenced by LA-UR-05-2366/ER2005-0119 and dated May 2005, and the subsequent response with the modifications described in this letter.

Noncompliance with the modifications outlined in this letter may result in automatic rescission of the work plan approval and potentially subject the Department of Energy and the University of California (collectively, the "Permittees") to an enforcement action. The Permittees shall not respond to comments in an approval with modifications letter unless NMED specifically requires a response or a resubmittal, in which case the response or resubmittal must be limited to only those required by NMED.



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The Permittees repeat the caveat throughout the response that investigation activities “will be contingent upon approval by the current property owner and the conditions of the access agreements.” According to Section III.N of the Consent Order, the Permittees must describe to NMED in writing their efforts to obtain access to property not owned or controlled by the Permittees. NMED requires this information be provided prior to submittal of the investigation report. The Permittees shall notify NMED as soon as the information is available.

Note: Comment numbers refer to the NOD dated July 26, 2005

Specific Comments:

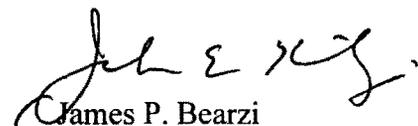
6. NMED concurs with the Permittees’ proposed contingency plans for AOCs 00-030(eN) and 00-030(f); however, NMED clarifies that at least one borehole per tank shall be drilled at each site.

9. NMED concurs with the Permittees’ proposed sampling plan for SWMU 0-039 with the following exception: drill one additional borehole near location 00-04073 (near the PCE/TPH plume) sampling at the same depths as the other proposed boreholes. The Permittees shall modify the sampling depths to target intervals suspected of being contamination zones (for examples, fractures or changes in lithology). See section IX.B.2.b.ii of the Consent Order.

12. e. NMED concurs with the Permittees proposal to delete VOCs from the list of analyses for historical sampling location 45-01068 at the 0-0.5’ interval; however, the Permittees shall continue to analyze the deeper samples for VOCs because there are no historical data for depths below 1.5’.

Should you have any questions, please contact Darlene Goering at (505) 428-2542.

Sincerely,


James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:dxg

- cc: D. Goering, NMED HWB
J. Volkerding, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N

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J. Ordaz, DOE LASO, MS A316

K. Hargis, LANL RRES/DO, MS M591

N. Quintana, LANL E/ER, MS M992

file: Reading and LANL [SWMU 0-018(a), AOCs 0-018(b), 0-030(d, eN, eS, f, h, j, n, o, p), AOC C-0-043, SWMUs 0-039, 31-001, 45-001, 45-002, 45-003, 45-004, 73-001(a, b)-99, 73-002-99, and 73-004(c)]