



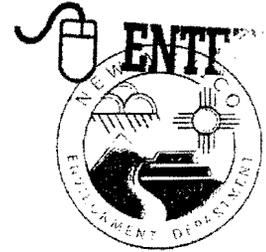
BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

TA01
NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 23, 2009

David Gregory, Federal Project Director
Department of Energy
Los Alamos Site Office
3747 West Jemez, Mail Stop A316
Los Alamos, New Mexico, 87544

David McInroy
Remediation Services Deputy Director
Los Alamos National Security, LLC
P.O. Box 1663, Mail Stop J591
Los Alamos, New Mexico 87545

**RE: APPROVAL OF EXTENSION REQUEST
INSTALLATION OF RETENTION PONDS AND
REMOVAL OF POLYCHLORINATED BIPHENYLS (PCBs)
LOS ALAMOS SITE MONITORING AREA 2 (LA-SMA-2)
LOS ALAMOS NATIONAL LABORATORY
EPA ID# NM0890010515
LANL-HWB-08-047**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the Los Alamos National Security, L.L.C. and U.S. Department of Energy (the Permittees) document entitled *Request for Extension of Time for Los Alamos Site Monitoring Area 2* dated December 22, 2009 and referenced by EP2009-0689. The purpose of the request is to extend the deadline to conduct removal of PCB-contaminated soils from the LA-SMA-2 drainage and for installation of two retention basins at the base of the LA-SMA-2 drainage in Los Alamos Canyon. These actions are required by NMED's May 5, 2009 *Approval With Modifications Los Alamos Site Monitoring Area 2 Interim Measure And Monitoring Plan to Mitigate Contaminated Sediment Transport In Los Alamos Canyon* (Approval). The request is to extend the deadline to complete these activities from December 31, 2009, required by NMED's Approval of Extension Request dated July 29, 2009, to March 1, 2009.

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The Permittees state that unanticipated PCB contamination was discovered in soils at locations along the banks of the upper drainage above the visible high water mark in the channel. This discovery has resulted in the need to remove additional PCB-contaminated soils and also over a larger area than originally expected.

In addition, the Permittees observed water and the presence of large boulders during excavation of the retention basins at the base of the drainage. The Permittees state that the presence of water is due to recent weather events and excavation to depths where saturated conditions exist. Based on measurements obtained by NMED from a piezometer located upstream of the retention basins location on December 21, 2009 and a review of historical water level data from the piezometer, it is likely that the Permittees have excavated into alluvial groundwater at the retention ponds location. This will require backfilling of the excavation after removal of PCB-contaminated soils to depths approximately 0.5 to 1 foot above the measured shallow water table elevation when constructing the retention basins to eliminate the possibility of the permanent presence of standing water in the basins.

NMED considers the aforementioned reasons to be good cause for the requested extension. However, the Permittees verbally notified NMED on December 17, 2009 that work in Los Alamos Canyon is prohibited for an extended period of time beginning March 1 due to the potential presence of the spotted owl. Failure to construct the basins before March 1 would allow unabated surface water flows related to snowmelt and spring storm events.

NMED hereby approves the request with the following modification to address this concern. The Permittees must install interim storm water controls at the base of the LA-SMA-2 drainage that will achieve the objectives listed in Item 3 of NMED's May 5, 2009 Approval no later than **February 1, 2009**. The removal of PCB-contaminated soils from the LA-SMA-2 drainage must be completed no later than **March 1, 2010**. The required report summarizing the results of the sediment removal, sampling, waste disposal activities and installation of the permanent retention ponds and monitoring station at the base of the drainage is still due by **May 1, 2010**.

Messrs. Gregory and McInroy
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Please contact Dave Cobrain of my staff at (505) 476-6055 if you have questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:dc

cc: D. Cobrain, NMED HWB
K. Roberts, NMED HWB
M. Dale, NMED HWB
T. Skibitski, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
G. Saums, NMED SWQB
L. King, EPA 6PD-N
M Graham, LANL ENV, MS M991
G. Rael, LANL LASO, MS A316
D. Katzman, LANL ENV, MS M992
R. Gallegos, City of Santa Fe

file: Reading and LANL General (Los Alamos and Pueblo Canyons, Surface Water)