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State of New Mexico
ENVIRONMENT DEPARTMENT

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RON CURRY
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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

May 30, 2006

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 MS M992
Los Alamos, NM 87545

**RE: APPROVAL WITH MODIFICATIONS
INVESTIGATION WORK PLAN FOR THE MIDDLE LOS ALAMOS CANYON
AGGREGATE AREA, LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-06-001**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the Department of Energy and the Regents of the University of California's (collectively, the "Respondents") *Response to the Notice of Disapproval for the Investigation Work Plan for the Middle Los Alamos Canyon Aggregate Area* and the *Investigation Work Plan for the Middle Los Alamos Canyon Aggregate Area, Revision 1* (Work Plan) dated May 3, 2006 and referenced by ER2006-0404 and LA-UR-06-3015/ER2006-0387 respectively. NMED has reviewed both documents and hereby issues this Approval with Modifications for the Response to the Notice of Disapproval (NOD) and the Revised Work Plan.

(Note: Comment numbers refer to the original NOD dated March 14, 2006)

General Comments:



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1. NMED was informed during a conversation with the Respondents on May 16, 2006, that AOC 02-012 was inadvertently included in the list of sites to be sampled for PCBs. AOC 02-012 was comprised of a fuel line and two underground storage tanks (USTs), which stored diesel. NMED will therefore, not require PCB sampling at this site.

Specific Comments:

2. NMED Comment: The introduction to Section 4.1.2 states, “[s]amples will be collected 10 ft below contaminated intervals as determined by field-screening until an uncontaminated sampling interval is collected or the saturated zone is reached. Field screening will also determine the need for collecting step out samples.” NMED is in general agreement with this statement, but reiterates the requirement in specific comment # 3 from the original NOD: “[i]f field screening cannot reliably be used to determine the termination depth (TD), the Respondents must submit a sample from the target TD for quick turn-around off-site laboratory analysis.”

3. NMED Comment: See specific comment # 2 above.

6. NMED Comment: See specific comment # 2 above.

7. NMED Comment: The Respondents state that, “[a]dditionally, as stated in the introduction to Section 4.1.8, samples will be collected 10 ft below contaminated intervals until an uncontaminated sampling interval is collected or the saturated zone is reached.” As in specific comments #2, # 3, and # 6 above, NMED reminds the Respondents that if field screening cannot reliably be used to determine the termination depth (TD), the Respondents must submit a sample from the target TD for quick turn-around off-site laboratory analysis.

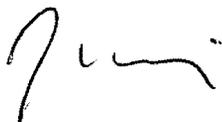
9. NMED Comment: The Respondents have not provided adequate justification for a submittal date of June 19, 2009 for the Investigation Report. Therefore, the Investigation Report for the Middle Los Alamos Canyon Aggregate Area (Report) will still be due January 19, 2008.

The Respondents must document in the Report all activities conducted pursuant to this approval, including the modifications outlined in this letter. As stated in comment # 9, the Report, summarizing the results of work plan implementation, must be submitted by January 19, 2008. All submittals (including maps, if applicable) 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).

Messrs. Gregory and McInroy
May 30, 2006
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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
S. Yanicak, NMED DOE OB, MS J993
J. Ordaz, DOE LASO, MS A316
L. King, EPA 6PD-N
K. Hargis, LANL RRES/DO, MS M591
N. Quintana, LANL E/ER, MS M992
file: Reading and LANL TA-2 '06 [02-003(a-e), 02-004(a-g), 02-005, 02-006(a-e), 02-007-00: [02-007, 02-009(a-c), 02-009(e)], 02-008(a), 02-008(c), 02-009(d), 02-010, 02-011(a-e), 02-012, 21-004(b)-99: [21-004(b), 21-004(c), 21-004(d)], 21-006(e)-99: [21-006(e), 21-006(f)], 21-011(b)], 21-022(b)-99: [21-022(b-e), 21-022(g)], 21-028(c), 26-001, 26-002(a-b), 26-003]