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GOVERNOR

03
State of New Mexico
ENVIRONMENT DEPARTMENT
DOE OVERSIGHT BUREAU
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ENTERED



RON CURRY
SECRETARY

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DEPUTY SECRETARY

September 26, 2008

Gene Turner
National Nuclear Security Administration
Environmental Permitting Manager
RCRA Permitting and Surface Water Programs
Office of Facility Operations
Los Alamos Site Office
528 35th Street MS-A316
Los Alamos, NM 87544

**SUBJECT: Spill Response Assessment and Suggestion for Close Out of Diesel Fuel Oil
Soil Contamination at TA-3, Above Ground Storage Tank 26, LANL Tier 1 Evaluation
Report received on August 15, 2008 of a Release and Soil Contamination Notification
Received on April 3, 2003.**

Dear Mr. Turner:

On August 15, 2008, the New Mexico Environment Department (NMED) was notified of the submittal of a Tier 1 Evaluation Report of a Diesel Fuel Oil Contamination Soil incident at Technical Area (TA) 3, Above Ground Storage Tank (AST) 26, located at Los Alamos National Laboratory, Los Alamos, New Mexico. This accidental release and associated soil contamination was reported to the Emergency Spill Hotline on April 3, 2003 as required by 20.6.2.1203 NMAC of the Water Quality Control Commission. The amount of the release was approximately 300 gallons and the notification was for diesel-contaminated soil of an area approximately 30 ft by 70 ft with a maximum depth of 20 ft.

The DOE Oversight Bureau has reviewed Tier 1 Evaluation Report received on August 15, 2008, and has found it adequate due to the findings and associated characterization work and risk assessment as presented in the Tier 1 Evaluation Report. The Oversight Bureau believes the findings in the tier 1 evaluation report for surface and sub-surface soil exposure pathways by the Laboratory and the associated findings of "no potential for current and future risk" and "the concentrations on-site are protective of groundwater and surface water" in the report is adequate and recommends that no further action is required at this time under this discharge notification. However, this letter does not relieve the United States Department of Energy or the Los Alamos National Security, LLC, of its obligation to comply with any other applicable laws and regulations.

If you have any questions regarding this recommendation, please contact Erik Galloway of our Santa Fe office at (505) 476-6024.



Mr. Gene Turner
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Sincerely,



Stephen Yanicak
Staff Manager/POC

SY/eg

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Spill File