

TAOS

 ENTERED



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NEW MEXICO
ENVIRONMENT DEPARTMENT

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Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 30, 2009

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
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Los Alamos, NM 87544

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

**RE: NOTICE OF DISAPPROVAL
CAÑADA del BUEY INVESTIGATION REPORT
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-09-040**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) *Cañada del Buey Investigation Report* (Report), dated August 2009 and referenced by LA-UR-09-4668/EP2009-0335. NMED has reviewed the Report and hereby issues this Notice of Disapproval (NOD).

Specific Comments:

1. As noted in Sections 1.3 and 1.4 of the Report, portions (43 percent) of the Cañada del Buey watershed drainage area are located on Pueblo de San Ildefonso land and are used by residents of the Pueblo de San Ildefonso for various cultural uses, including hunting. Several of the constituents of concern (COCs) carried forward in the risk assessment show a tendency to bioaccumulate. As such, risks to the people of the Pueblo de San Ildefonso via ingestion of potentially contaminated game, and

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specifically through a subsistence hunting scenario, must be identified as a current and reasonably foreseeable future land use and must be evaluated in the Report.

The risk assessment must be revised to include an evaluation of the subsistence hunting scenario. The nature of the evaluation must be similar to the evaluation approach used by the Permittees for the North Canyons Investigation Report.

2. Section 3.2.2, last two sentences, first paragraph:

Permittees' Statement: "The list of surface-water sites and groundwater monitoring wells used to prepare this investigation report is presented in Table 3.2-1. Figure 3.2-1 and Plate 1 show the locations of the sampling sites listed in Table 3.2-1."

NMED Comment: The Report does not contain a Table 3.2-1 and the table is not listed in the Report Table of Contents. The Permittees must either provide the table or delete the reference to the table.

3. Section 7.1.1, ninth paragraph:

Permittees' General Assertion: The presence of cyanide in sediment samples is attributed primarily to ash from the Cerro Grande fire.

NMED Comment: While it is unlikely that cyanide would drive ecological risks and potentially require additional monitoring, cyanide must be retained as being potentially site-related relative to Technical Area 54 (TA-54) and one or more of the material disposal areas located within or adjacent to TA-54. The Permittees recognize the possible release of cyanide from TA-54 in Section 7.1.4.5 of the Report by stating: "Small quantities of several inorganic chemicals may also have been released from TA-54 (e.g., aluminum, antimony, and cyanide)." A formal response to this comment is not required.

The Permittees must address these comments and submit a revised Report by November 20, 2009. As part of the response letter that accompanies the revised Report, the Permittees shall include a table that details where all revisions have been made to the Report and that cross-references NMED's numbered comments. All submittals (including maps) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order. The Permittees must submit a redline-strikeout version that includes all changes and edits to the Report (electronic copy) with the response to this NOD.

Messrs. Gregory and McInroy
October 30, 2009
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Please contact Daniel Comeau at (505) 476-6043, if you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Bearzi, NMED HWB
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File: LANL, Cañada del Buey IR October 2009