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ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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RON CURRY  
Secretary

JON GOLDSTEIN  
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 10, 2009

David Gregory  
Federal Project Director  
Los Alamos Site Office  
Department of Energy  
3747 West Jemez Road, MS A316  
Los Alamos, NM 87544

David McInroy  
Environmental Operations Project Director  
Los Alamos National Security, L.L.C.  
P.O. Box 1663, MS M992  
Los Alamos, NM 87545

**RE: NOTICE OF DISAPPROVAL  
LOWER MORTANDAD/CEDRO CANYONS  
AGGREGATE AREA INVESTIGATION WORK PLAN  
LOS ALAMOS NATIONAL LABORATORY (LANL),  
EPA ID #NM0890010515  
LANL-09-069**

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) *Lower Mortandad/Cedro Canyons Aggregate Area Investigation Work Plan* (Work Plan), dated October 30, 2009 and referenced by LA-UR-09-6567/EP2009-0510. NMED has reviewed the Work Plan and hereby issues this Notice of Disapproval.

Comments

1. The Permittees propose to collect soil samples in the drainages and the canyon (Section 4.2.3, Proposed Activities (for SWMU 05-004, Former Septic Tank) and Section 4.3.3, Proposed Activities (for SWMU 05-006(c), Area of Potential Contamination)). The Permittees must target areas for sample collection where there is sediment accumulation or observed staining, elevated moisture, and contaminated zones based on field screening. The Permittees must revise the Work Plan to propose to sample based on this approach for all drainage and canyon sampling activities.



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2. The Permittees state in Section 4.0, Site Descriptions and Proposed Investigation Activities, that "analysis for dioxins and furans will be performed on 20% of the samples at a site where a former structure was destroyed by burning." The Permittees must revise the Work Plan to propose to submit all samples taken around the site of former Building 05-5 for laboratory analysis for dioxins and furans.
3. The Permittees state in Section 7.0, Schedule, that "[t]he scheduled notice date for NMED to approve this investigation work plan is January 29, 2010. Preparation of investigation activities is scheduled to start by October 1, 2010. Fieldwork is expected to start on February 24, 2011, and will take approximately 2 months to complete. Fieldwork is scheduled to be completed by April 21, 2011. The investigation report is proposed to be delivered to NMED on or before August 25, 2011." The proposed schedule seems to be longer than necessary to accomplish the proposed work. The Permittees must justify this schedule in the revised Work Plan, or provide a shorter one.

The Permittees must submit the revised Work Plan on or before January 15, 2010. The submittal must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the March 5, 2005 Order on Consent.

Please contact Kristen Van Horn at (505) 476-6046 should you have any questions.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

cc:

J. Kieling, NMED HWB  
D. Cobrain, NMED HWB  
K. Roberts, NMED HWB  
S. Yanicak, NMED DOE OB, MS J993  
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file: Reading and LANL'09, TA-05; AOC 05-003; AOC 05-004; Consolidated Unit 05-005(b)-00 (SWMU 05-005(b), SWMU 05-006(c))