

TA-06

**State of New Mexico
ENVIRONMENT DEPARTMENT**

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

October 11, 2005

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 M992
Los Alamos, NM 87545

**RE: APPROVAL WITH MODIFICATIONS
PAJARITO CANYON WORK PLAN
LOS ALAMOS NATIONAL LABORATORY, NM0890010515
HWB-LANL-99-026**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the *Response to the Notice of Disapproval for the Work Plan for Pajarito Canyon*, dated August 1, 2005 and referenced by ER2005-0533. NMED has reviewed this document and is hereby approving this document and the *Pajarito Canyon Work Plan* (Work Plan) dated September 1998 and referenced by LA-UR-98-2550. The Department of Energy and the University of California (collectively, the "Permittees") must implement the modifications as outlined below. If the Permittees fail to implement the modifications, the approval for these documents will be automatically rescinded.

The Permittees must document in the Investigation Report for Pajarito Canyon all activities conducted pursuant to this approval, including the modifications outlined in this letter. Noncompliance with the modifications outlined in this letter may result in automatic rescission of the work plan approval and potentially subject the Permittees to an enforcement action.



Furthermore, the Permittees should not respond to comments in an approval with modifications unless NMED specifically requires a response or a resubmittal, in which case the response or resubmittal must be limited to only those required by NMED.

Note: Comment numbers refer to the Notice of Disapproval (NOD) dated May 31, 2005

General Comments:

5. The Permittees propose that the risk assessment for Pajarito Canyon be included as an appendix to the investigation report. NMED recommends the Permittees submit the risk assessment as a separate report following approval of the investigation report. As seen with past submittals (for example, the Los Alamos and Pueblo Canyons Investigation Report), the Permittees risk having to collect additional data and reassessing the risk.

Specific Comments:

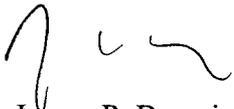
2. The Permittees propose using the sediment COPC identification approach that was previously used in the Los Alamos and Pueblo Canyons Investigation Report. As stated in NMED's comment in the NOD, the Permittees shall determine COPCs based on comparison to background levels or detection/quantitation limits, not on the approach used in the Los Alamos and Pueblo Canyons Investigation Report. NMED requires consistency with the approach written into the *Los Alamos and Pueblo Canyons Investigation Report Approval as Modified* letter dated May 11, 2005. This involves consideration of infrequently detected contaminants in the risk assessment calculations and the uncertainty analyses.
12. The Permittees propose to include the first two groundwater, surface water, and springs sampling rounds, which will be approved in the Interim Facility-wide Groundwater Monitoring Plan, as part of the Pajarito Canyon Investigation Report. NMED concurs with this proposal; however, the Permittees must also report these data in the periodic monitoring reports per Section IV.A.3.b and Table XII-4 of the Consent Order.
17. Based on a phone conversation with Facility staff, NMED understands that the Permittees' contract laboratory will achieve a minimum detectable activity of 0.02 pCi/L for americium-241 and plutonium-238 for this project. NMED expects the investigation report to reflect this change.
22. The Permittees propose to install an intermediate depth well east of R-23 and to install an intermediate depth well between the flood retention structure and proposed PCAO-6 if intermediate water is encountered during the drilling of R-17. NMED requires the Permittees to install these wells regardless of the presence of intermediate water during the drilling of R-17 because it is unknown where infiltration from the alluvium may be

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occurring. The Permittees also propose to delay the decisions and planning for the other required intermediate wells until after the results of currently scoped drilling and the resistivity survey. NMED concurs with the proposed sequence of events; however, the Permittees shall complete and report all drilling activities approved in this Work Plan in the Pajarito Canyon Investigation Report, due February 29, 2008. The results of the resistivity survey must be submitted to NMED within 120 days of completion. A summary must be submitted within 30 days per Section IX.B.2.k of the Consent Order.

Should you have any questions regarding this letter, please feel free to contact Darlene Goering at (505) 428-2542.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:dxg

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