



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

TAD
NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



RON CURRY
Secretary

CINDY PADILLA
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 3, 2007

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, MS M992
Los Alamos, NM 87545

**RE: APPROVAL OF "NO LONGER CONTAINED-IN" DETERMINATION
REQUEST FOR DRILL CUTTINGS, SOIL, AND ASSOCIATED CONTACT
WASTE FROM THE CENTRAL AREA OF CONSOLIDATED UNIT 10-002(a)-
99, BAYO CANYON AGGREGATE AREA INVESTIGATION
LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515
HWB-LANL-05-009**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has reviewed the Department of Energy and the Los Alamos National Security, LLC's (collectively, the Permittees) *Request for a No Longer Contained-in Determination for Drill Cuttings, Soil, and Associated Contact Waste from the Central Area of Consolidated Unit 10-002(a)-99, Bayo Canyon Aggregate Area Investigation*, dated November 14, 2007 (referenced by ENV-RCRA: 07-263). NMED hereby grants the Permittees' request for a "no longer contained in" determination for the waste.

The Permittees provided a comparison of the maximum detected concentrations of potential F-listed organic constituents in each sample with the New Mexico Soil Screening Levels (SSLs) and the Environmental Protection Agency (EPA) Region 6 Human Health Medium-Specific Screening Levels (MSSLs). The potential F-listed constituents that were detected are carbon tetrachloride, acetone, toluene, tetrachloroethene, chloroform, trichloroethene(1,1,1-), dichloroethane(1,1-), trichloro-1,2,2-trifluoroethane(1,1,2-), Butanone(2-), trichloroethene (F001-



30165

Messrs. Gregory and McInroy
December 3, 2007
Page 2

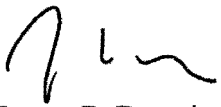
F005). These constituents were detected at levels that are below both the SSLs and MSSLs for the industrial/occupational worker scenario. The results of the Toxicity Characteristic Leaching Procedure (TCLP) analysis of the samples indicate that concentrations of all metals were below the applicable regulatory levels. Additionally, the results indicate that the waste is not a characteristic hazardous waste as defined in 40 CFR 261.21 through 261.23. Based on this information, the drill cuttings, soil, and associated contact waste does not need to be managed as hazardous waste.

The Permittees also requested a determination that land disposal restrictions (LDR) do not apply to the drill cuttings, soil, and associated contact waste so that it may be managed and disposed of as a non-hazardous waste. The Permittees provided a comparison of the detected concentrations of the potential F-listed organic constituents with the LDR treatment standards. All ten of the detections are below the LDR treatment standards listed in 20.4.1.800 NMAC incorporating 40 CFR 268.40. Based on the low levels of constituents listed above, LDRs do not apply to the drill cuttings, soil, and associated contact waste and it does not need to be managed and disposed of as hazardous waste.

The Permittees have not provided specific information on final disposition of the waste. Since the waste is contaminated with low-level radiological constituents, the Permittees must ensure that the waste is disposed of at a permitted waste disposal facility. If additional F-listed constituents are detected during future sampling activities or if the constituents discussed above are detected at concentrations above cleanup standards or LDRs, the Permittees must request another no longer contained-in determination or manage it as a hazardous waste.

If you have any questions regarding this letter, please contact Kathryn Roberts of my staff at (505) 476-6041.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: K. Roberts, NMED HWB
D. Cobrain, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
S. Stiger, ENV MS J591
G. Rael, DOE LASO, MS A316
V. George, LANS ENVP-DO MS J978
A. Grieggs, ENV-RCRA, MS K490
G. Turner, LASO/EO, MS A316
file: Reading and LANL TA-10 '07 (SWMU 10-002(a)-99)