

TA-10



BILL RICHARDSON  
GOVERNOR

**State of New Mexico**  
**ENVIRONMENT DEPARTMENT**

**Hazardous Waste Bureau**  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, New Mexico 87505-6303

Telephone (505) 428-2500

Fax (505) 428-2567

www.nmenv.state.nm.us



RON CURRY  
SECRETARY

DERRITH WATCHMAN-MOORE  
DEPUTY SECRETARY

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

October 20, 2005

David Gregory  
Federal Project Director  
Los Alamos Site Office  
Department of Energy  
528 35<sup>th</sup> 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 MS M992  
Los Alamos, NM 87545

**RE: NOTICE OF DISAPPROVAL**  
**INVESTIGATION WORK PLAN FOR THE BAYO CANYON AGGREGATE**  
**AREA, LOS ALAMOS NATIONAL LABORATORY (LANL)**  
**EPA ID #NM0890010515**  
**HWB-LANL-05-009**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the Department of Energy and the Regents of the University of California's (collectively, the "Permittees") *Investigation Work Plan for the Bayo Canyon Aggregate Area* (Work Plan) dated July 2005 and referenced by LA-UR-05-4761/ER2005-0300. NMED has reviewed this document and hereby issues this Notice of Disapproval. The Permittees must address all comments and submit revised text and replacement pages (where directed) within thirty (30) days of receipt of this letter. As part of the response letter that accompanies the revised text and replacement pages, the Permittees shall include a table that details where all revisions have been made to the Work Plan 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 March 1, 2005 Consent Order (Order).



3420

**General Comments:**

1. The Permittees must provide a brief description of investigation, sampling or analytical methods and procedures in documents submitted to NMED that includes sufficient detail to evaluate the quality of the acquired data in accordance with Section IX.A, Standard Operating Procedures, of the March 1, 2005 Consent Order (Consent Order). Table 5.0-1 is not sufficient to fulfill this requirement. (Submit replacement pages to NMED within 30 days of receipt of this letter.)
2. According to the *Aggregate Areas List; Maps of TAs, SWMUs/AOCs*, dated August 2005 and referenced by ER2005-0226, SWMU 10-006 is located within the Bayo Canyon Aggregate Area. SWMU 10-006 has not been addressed in this Work Plan, an explanation for its exclusion has not been provided, and the Permittees have not proposed to address this site in a separate work plan. Therefore, the Permittees must include investigation of SWMU 10-006 as part of this Work Plan.
3. Figures must include all applicable features and structures, underground utilities, and existing well and/or borehole locations. This includes fence-lines, SWMU and AOC locations, and former structure locations. For example, Figure 4.2-2 (1994 RFI boreholes and proposed boreholes in the Central Area) does not depict the location of SWMUs 10-003(a) and 10-007. This information is necessary to evaluate if proposed borehole and sampling locations are adequate or if additional sampling locations are required. The Permittees must ensure these changes are also reflected in the Investigation Report. (Submit replacement pages to NMED within 30 days of receipt of this letter.)

**Specific Comments:**

**1. Section 2.3 Relationship to Other SWMUs and AOCs, page 4:**

**Permittees' Statement:** "However, the upper portions of the Bayo Canyon may be impacted by the northern portion of the Los Alamos townsite. These potential impacts will not be addressed in this work plan."

**NMED Comment:** The Permittees must address the potential impacts of the Los Alamos townsite on upper Bayo Canyon as part of this Work Plan. Townsite impacts to Bayo Canyon must be addressed in order to fully understand the total risk associated with sites at the LANL Facility as the risk from the townsite may make human health or ecological risk unacceptable within the Bayo Canyon Aggregate Area. (Submit replacement pages to NMED within 30 days of receipt of this letter.)

**2. Section 4.2.1 Borehole Sampling, Page 17-18:**

**NMED Comment:** The boreholes proposed by the Permittees are not sufficient to meet the objectives outlined in the executive summary of this Work Plan. There are SWMUs missing from Figure 4.2-4 (See general comment 3) and there are no proposed investigation activities (i.e. boreholes, surface/subsurface sampling) for several SWMUs/AOCs (e.g. 10-003(h)) in the Work Plan. The Permittees must complete the additional boreholes in the approximate locations proposed by NMED as shown on Figure 1 attached (19 proposed boreholes) as well as propose borehole locations for SWMUs 10-003(a) and 10-008. Finally, sites that have not received an NFA determination from the RCRA Administrative Authority (i.e., NMED or EPA), must be evaluated and/or investigated as part of the Work Plan.

**3. Section 4.3 Preliminary Corrective Action Evaluation for TA-10, Pages 18-21:**

**NMED Comment:** The Order required the Permittees to evaluate the need for removal of the landfill material at 10-007 for disposal at an approved landfill. This section of the Work Plan satisfies this requirement. However, NMED reminds the Permittees that this investigation is preliminary and is not necessarily considered a final remedy for SWMU 10-007 and AOC 10-009. NMED may still require removal of landfill material or some other remedy in the future.

**4. Table 4.0-1 Crosswalk between Consent Order and Investigation Work Plan, IV.C.5.c.iii Technical Area 10 Drilling Explorations, Pages 49-50:**

**NMED Comment:** Previous boreholes drilled at SWMUs 10-002(b), 10-004(b), and the leach field may not be used to satisfy the borehole requirements of Section IV.C.5.c.iii of the Order. The Permittees must advance the number of boreholes at each site as required in the Order or by NMED. According to the NOD issued by EPA dated May 19, 1997, the RFI data had numerous QA/QC problems, and therefore cannot be used in lieu of current drilling and sampling requirements. The RFI data may be used to guide sampling activities; however, it may not be used to make decisions regarding nature and extent of contamination or in the risk assessment. (See specific comment #2 regarding borehole locations)

Messrs. Gregory and McInroy  
October 20, 2005  
Page 4

Should you have any questions, please contact Kathryn Chamberlain at (505) 428-2546.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

JPB:kc

cc: D. Goering, NMED HWB  
K. Chamberlain, NMED HWB  
J. Volkerding, NMED DOE OB  
S. Yanicak, NMED DOE OB, MS J993  
J. Ordaz, DOE LASO, MS A316  
L. King, EPA 6PD-N  
K. Hargis, LANL RRES/DO, MS M591  
N. Quintana, LANL E/ER, MS M992  
file: Reading and LANL TA-10 '05 [(10-001(a)-99: 10-001(a-e), 10-005, AOC  
10-001(e), and AOC 10-008/ 10-002(a)-99: 10-002(a,b), 10-003(a-o), 10-004(b),  
and 10-007/ 10-004(a), AOC C-10-001, AOC 10-009)]

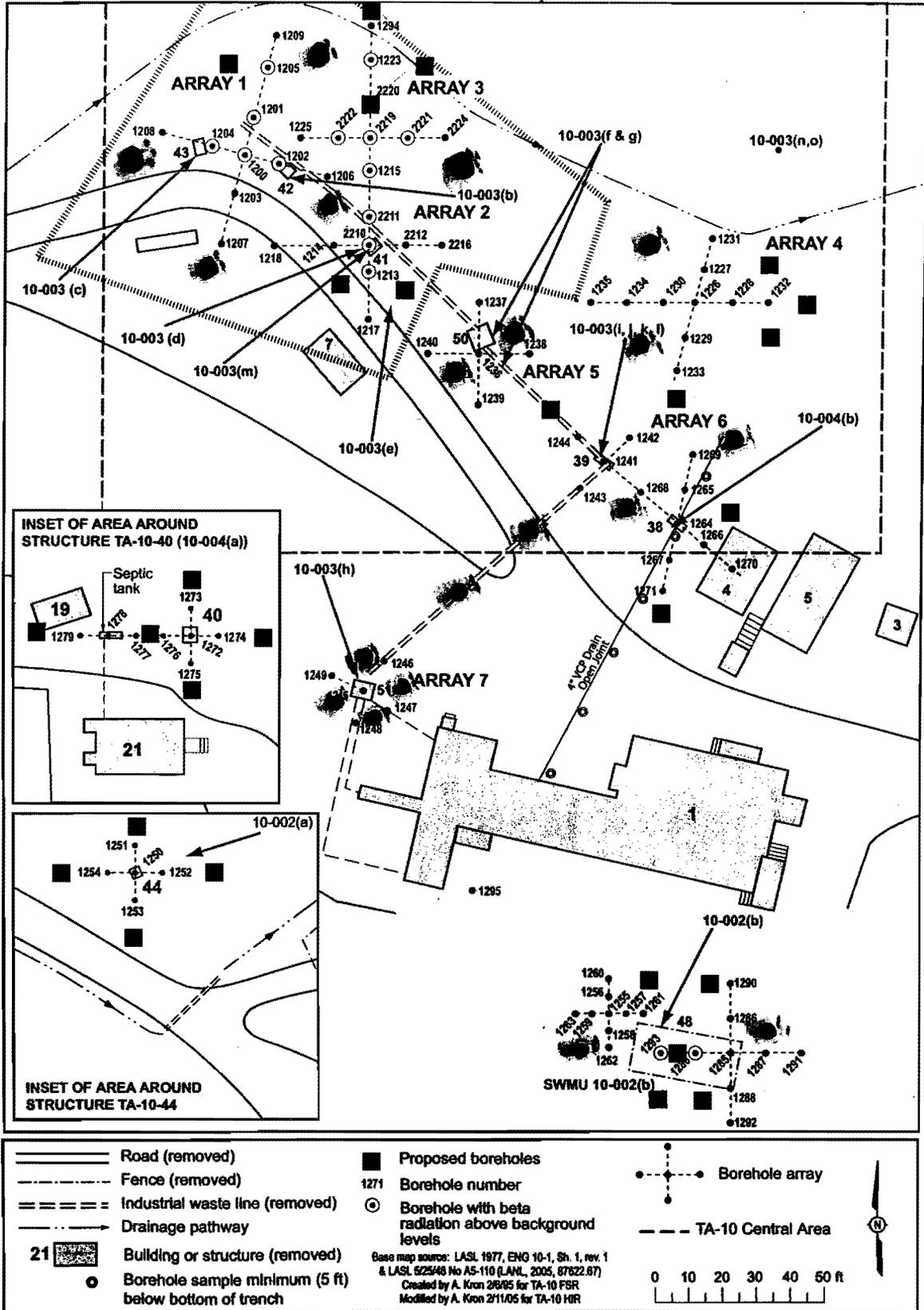


Figure | 1994 RFI boreholes and proposed boreholes in the Central Area  
 ● NMED proposed borehole