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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 23, 2009

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**RE: NOTICE OF DISAPPROVAL
INVESTIGATION WORK PLAN FOR POTRILLO AND FENCE CANYONS
AGGREGATE AREA,
LOS ALAMOS NATIONAL LABORATORY,
EPA ID #NM0890010515
HWB-LANL-09-015**

Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (LANS) (collectively, the Permittees) *Investigation Work Plan for Potrillo and Fence Canyons Aggregate Area (Plan)*, referenced by LA-UR-09-2342/EP2009-0150 and dated April 2009. NMED has reviewed the Plan and hereby issues this Notice of Disapproval (NOD).

General Comments:

- 1) The Permittees must submit the most contaminated sample collected at each site proposed for investigation and/or remediation for analysis of polychlorinated biphenols (PCBs) and dioxins/furans, unless PCB and dioxin/furan sampling is already proposed. The sample selection must be based on field screening and location relative to potential contaminant sources. The Permittees must revise Table 4.0-1 to reflect this change.

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- 2) In Section 5.3.4 and Appendix B of the Plan, the Permittees propose that drill cuttings and any soil removed from excavations will be returned to the borehole or excavation, provided sampling shows that industrial soil screening levels (SSLs) are not exceeded. The Permittees shall not return contaminated media to boreholes or excavations. Therefore, similar to the practices at Technical Area (TA) 21, the Permittees may return only media that does not exceed residential SSLs.
- 3) Throughout the Plan, the Permittees explain that sediment sampling conducted under the approved *South Canyons Investigation Work Plan* (supplemented where necessary by sampling under this Plan) will be used to determine whether or not contaminants are migrating off-site from solid waste management units (SWMUs) and areas of concern (AOCs) within the Potrillo/Fence aggregate area and which are deferred from investigation per Table IV-2 of the March 1, 2005 Order on Consent (Consent Order).

NMED requires that all applicable sediment and stormwater sampling data collected during implementation of the South Canyons Work Plan, be included in the Potrillo and Fence Canyons Aggregate Area Investigation Report (if available).

Specific Comments:

1) Section 2.3.4, Cleanup Standards, page 3:

Permittees' Statement: "As specified in Section VII.B.1 of the Consent Order, screening levels will be used as soil cleanup levels unless they are determined impracticable or unless values do not exist for the current and reasonably foreseeable future land use."

NMED Comment: The Permittees must revise the text to cite the proper Consent Order reference: Section VIII.B.1 (Soil Cleanup Levels), rather than Section VII.B.1 (Interim Measures).

2) Section 4.1.13, AOC C-15-004, Former Transformer Station, Proposed Activities, page 29:

Permittees' Statement: "Four samples will be collected from two depths (0-1 ft and 2 to 3 ft bgs) at two locations beneath the former location of the transformer platform to confirm that there is no residual PCB contamination at this site (Figure 4.1-27). All four samples will be analyzed for PCBs only."

NMED Comment: Due to the proximity of the transformer station to the E-F Firing Site, the Permittees must analyze the proposed samples, referenced above, for TAL metals in addition to PCBs. The Permittees must revise Table 4.0-1 to reflect this change.

3) Section 5.3.2.3, Hollow-Stem Auger, Borehole Abandonment, page 47:

Permittees' Statement: "All hollow-stem auger boreholes will be properly abandoned according to the most recent version of SOP-5.03, Monitoring Well and RFI Borehole Abandonment, by one of the following methods."

NMED Comment: The Permittees must abandon all boreholes in accordance with Section X.D of the Consent Order. The Permittees must revise the text to reflect this change. Additionally, the Permittees must revise Table 5.0-1, *Summary of Investigation Methods*, to provide a brief description of the proposed borehole abandonment methods (SOP-5.03), in accordance with Section IX.A of the Consent Order.

4) Section 5.8.1, Removal of Surficial and Buried Waste, Inactive Units, Contaminated Soil and Sediment; Site Preparation, page 49:

NMED Comment: The Permittees have included "abandoning monitoring wells" in the general sequence of waste-removal activities in the Portillo and Fence Canyon aggregate. There are no monitoring wells within the immediate vicinity of any sites proposed for remediation. Furthermore, the Permittees are prohibited from abandoning any wells or boreholes without the written approval of NMED. The Permittees must therefore remove this bullet item from the list of Site Preparation activities.

5) Table 4.0-1, Summary of Proposed Samples and Analyses, pages 127-130:

NMED Comment: See general comment #1 and specific comment #2.

6) Appendix B, Section B-2.1, Drill Cuttings, page B-2:

Permittees' Statement: "Cuttings may or may not contain residues of drilling additives (e.g., foam) used to promote borehole integrity."

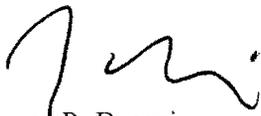
NMED Comment: Because the deepest borehole proposed by the Permittees is approximately 16 feet below ground surface (bgs), the use of drilling additives will not be necessary. The Permittees must remove this statement from the text.

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The Permittees must address all comments herein and submit a revised Plan no later than July 24, 2009. 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. In addition, the Permittees shall submit a redline-strikeout version (electronic copy) that includes all changes and edits to the Plan with the response to this NOD.

Please contact Kathryn Roberts at (505) 476-6041 should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
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File: LANL, 2009, TA-15 & TA-36 (**TA-15**: SWMUs 15-002, 15-007(a), 15-003, 15-006(a), 15-004(b), 15-004(c), 15-004(f), 15-008(a), 15-009(e), 15-010(a); AOCs 15-005(b), 15-006(c), 15-008(f), C-15-004, C-15-005, C-15-006; **TA-36**: SWMUs 36-001, 36-003(b), 36-004(d), 36-005, 36-006, AOCs: 36-004(a), 36-004(b), 36-004(c), 36-004(e), C-36-001, C-36-006(e))