

TAIS



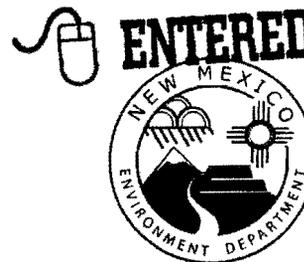
BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 4, 2010

George J. Rael
Environmental Operations Manager
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael Graham
Associate Director Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS 991
Los Alamos, NM 87545

RE: APPROVAL
"CONTAINED-IN" DETERMINATION FOR DEVELOPMENT WATER,
PURGE WATER, AND CONTACT WASTE GENERATED FROM
INTERMEDIATE WELL CdV-37-1i
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
LANL-MISC-GW

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) has reviewed the United States Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (LANS) (collectively, the Permittees) document entitled *Request for "Contained-In" Determination for Development Water, Purge Water, and Contact Waste Generated from Intermediate Well CdV-37-1i*, dated February 16, 2010 and referenced by ENV-RCRA-10-037.

The Permittees provide a comparison of the maximum detected concentration of toluene with the New Mexico Water Quality Control Commission (NMWQCC) human health standards listed in 20.6.2.3.3103 NMAC, the Environmental Protection Agency (EPA) Safe Drinking Water Act Maximum Contaminant Levels (MCLs) (40 CFR §141.61), and the EPA Regional Screening Level for Tap Water (RSLs). The analytical results



demonstrate that the concentrations of toluene are below the NMWQCCS, the RSLs, and the MCLs.

Based on the information provided, NMED has determined that the development water, purge water, and contact waste collected from intermediate well CdV-37-1i does not need to be managed as hazardous waste.

The Permittees propose to land apply the development purge water in accordance with the NMED approved NOI Decision Tree, *Land Application of Groundwater* and dispose of the contact waste as industrial waste. The Permittees provided a comparison of the maximum detected concentration of toluene with the Land Disposal Restriction (LDRs) Treatment Standards (40 CFR §268.40). The maximum detected concentration of toluene is below the LDRs and cleanup levels listed in 20.6.2.3.3103 NMAC. LDRs therefore do not apply to the development water, purge water, and contact waste.

NMED hereby grants the Permittees' request that development water, purge water, and contact waste collected from intermediate well CdV-37-1i be managed as non-hazardous waste.

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

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
K. Roberts, NMED HWB
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T. Skibitski, NMED DOE OB
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A. Sherrard, ENV-RCRA, K490
File: Reading and LANL, 2010 TA-16 (Well CdV-37-1i)