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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 7, 2010

Mr. George Rael, Environmental Projects
Office, Federal Project Director
U.S. Department of Energy/National Nuclear
Security Administration
Los Alamos Site Office
3747 West Jemez Road
Los Alamos, NM 87544

Mr. Michael Graham, Associate Director
Environmental Safety, Health and Quality
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS K491
Los Alamos, NM 87545

**RE: RESPONSE TO REQUEST FOR APPROVAL OF AREAS OF
CONTAMINATION FOR INVESTIGATION AND REMEDIATION ACTIONS
AT POTRILLO AND FENCE CANYON AGGREGATE AREA EXCAVATION
SITES [SWMUS 15-007(A), 15-008(A), 15-010(A), 36-001, AND 36-006]
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-MISC**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy and the Los Alamos National Security L.L.C.'s (collectively, the Permittees) *Request for Approval of Areas of Contamination for Investigation and Remediation Actions at Potrillo and Fence Canyon Aggregate Area Excavation Sites* referenced by EP2010-0429 and dated September 29, 2010.

The intent of AOC policy is to allow wastes to be consolidated or treated *in situ* within an AOC without triggering land disposal restrictions or minimum technology requirements. The AOC designation does not allow for circumvention of the 90-day storage requirement (20.4.1.300 NMAC incorporating 40 CFR §262.34(a)).

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The Permittees request approval of proposed boundaries for four areas of contamination (AOCs) for investigation and remediation activities at five Solid Waste Management Units (SWMUs) 15-007(a), 15-008(a), 15-010(a), 36-001, and 36-006. The proposed investigation and remediation activities at these sites are included in the *Investigation Work Plan for Potrillo and Fence Canyons Aggregate Area, Revision 1*, July 2010. Remedial activities include removal of a septic tank and debris piles, excavation of trenches, and/or test pits, staging and sampling of environmental media, and segregation of debris from soils.

SWMU 15-007(a) is an inactive landfill known as Material Disposal Area (MDA) N. The Permittees propose to conduct geophysical surveys and excavation of test pits and trenches to locate and define the boundaries of the landfill. Remediation activities will involve waste characterization, waste excavation, segregation, transportation and off-site disposal, collection of confirmatory samples, backfilling, and site restoration. An AOC designation for this site is appropriate and NMED hereby approves the proposed boundary around the site, as an AOC for SWMU 15-007(a). The AOC may be used only for staging and segregation of remediation wastes.

SWMU 15-008(a) consists of two small surface disposal areas. The disposal areas are approximately 8 ft in diameter and 2 ft high. The remediation activities proposed for the debris piles are to characterize, containerize, and dispose of the waste. The proposed activities are standard remediation practices and do not meet the intent of the AOC Policy. NMED hereby denies the AOC designation request for SWMU 15-008(a).

SWMU 15-010(a) is a decommissioned septic tank. The Permittees propose to excavate the septic tank, characterize, remove, and dispose of it in accordance with applicable regulations. The proposed activities are standard remediation practices and do not meet the intent of the AOC Policy. NMED hereby denies the AOC designation request for SWMU 15-010(a).

SWMU 36-001 is an inactive landfill known as MDA AA. MDA AA consists of two disposal trenches containing burned debris from test shots conducted at the Lower Slobbovia Firing Site. The Permittees propose to conduct geophysical surveys and excavation of test pits and trenches to locate and define the boundaries of the landfill. Remediation activities will involve waste characterization, waste excavation, segregation, transportation and off-site disposal, collection of confirmatory samples, backfilling, and site restoration. An AOC designation for this site is appropriate and NMED hereby approves the proposed boundary around the site, as an AOC for SWMU 36-001. The AOC may be used only for staging and segregation of remediation wastes.

SWMU 36-006 consists of an inactive surface disposal area that was used to dispose of cables, metals, concrete, and other similar debris from Technical Area 36 firing sites. Remediation activities will involve waste characterization, segregation, transportation and off-site disposal, collection of confirmatory samples, and site restoration. An AOC designation for this site is appropriate and NMED hereby approves the proposed boundary around the site, as an AOC for SWMU 36-006. The AOC may be used only for staging and segregation of remediation wastes.

The Permittees propose to place excavated overburden and layback environmental media from SWMUs 15-007(a), 15-008(a), 15-010(a), 36-001, 36-005, and 36-006 in deeper portions of the excavation, if it meets residential soil screening levels. It is not clear why SWMU 36-005, a storage area is referenced and it is not proposed for an AOC designation. The Permittees must clearly demonstrate that the media that is returned to the excavation is not hazardous and meets the NMED residential soil target risk levels established in Consent Order Section VIII.B.

Unless the Permittees can demonstrate that no releases occurred or that areas within the AOC were not utilized, supplemental sampling will be required for staging areas located outside of the original SWMU boundary, but within the AOC boundary to ensure no residual contamination remains after the waste is transported off site. The Permittees must document all areas within the AOC that are used for management of waste for the duration of its use. Upon completion of remedial activities all waste must be managed in accordance with 20.4.1.100 NMAC.

Please contact Neelam Dhawan at (505) 476-6042 should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

BRZ:nmd

cc: J. Kieling, NMED HWB
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File: 2010 LANL, Potrillo and Fence Canyon Aggregate Area