

TA 16

State of New Mexico  
**ENVIRONMENT DEPARTMENT**

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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

April 17, 2007

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 Program Director  
Los Alamos National Laboratory  
P.O. Box 1663, Mail Stop M992  
Los Alamos, NM 87545

**RE: "CONTAINED-IN" DETERMINATION FOR CONCRETE DEBRIS AND  
ASSOCIATED ENVIRONMENTAL MEDIA AT SIGMA MESA FROM THE TA-  
16-340 DEMOLITION PROJECT  
LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515  
HWB-LANL-06-005**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has reviewed the Department of Energy and the Los Alamos National Security's, LLC (collectively, the Permittees) request for a contained-in determination for concrete debris and associated environmental media at Sigma Mesa from the TA-16-340 demolition project. As you are aware, this matter was part of a larger enforcement action initiated when NMED issued a Notice of Violation (NOV) to the Permittees on October 25, 2006 for storing listed hazardous remediation waste in a staging pile without approval from NMED, and placing listed hazardous remediation waste in a waste pile without treating the waste to meet standards for land disposal and without a permit. The matter was resolved through a settlement agreement and stipulated final order (NO. HWB-07-10) received and recorded by the NMED hearing clerk on April 10, 2007.

With execution of the settlement agreement and stipulated final order, NMED resumed its review of the Permittees' "contained-in" request. As part of the request, the Permittees provided a comparison of the maximum detected concentrations of potential F-listed organic constituents, which were the only detected contaminants, in each sample with the New Mexico Soil Screening Levels (SSLs) and the



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Messrs. Gregory and McInroy

April 17, 2007

Page 2

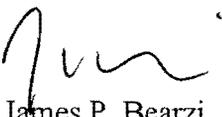
Environmental Protection Agency (EPA) Region 6 Human Health Medium-Specific Screening Levels (MSSLs). The potential F-listed constituents that were detected are acetone, 2-butanone (MEK), ethylbenzene, methylene chloride, nitrobenzene, toluene, and xylene. All of the detections for these constituents are below the New Mexico SSLs and EPA Region 6 MSSLs for the industrial/occupational worker scenario. Additionally, the waste does not exhibit a characteristic, as defined in 40 C.F.R. Subpart C. Based on this information, NMED believes that the concrete debris and associated environmental media does not need to be managed as hazardous waste and therefore grants the Permittees' request.

The Permittees also request a determination that land disposal restrictions (LDR) do not apply to the concrete debris and associated environmental media and that it may be managed and disposed of as a nonhazardous waste. The Permittees provided a comparison of the maximum detected concentrations of potential F-listed organic constituents in each sample with the LDR treatment standards. All of the detections are below the LDR treatment standards listed in 20.4.1.800 NMAC incorporating 40 CFR 268.40. Therefore, based on the low levels of acetone, 2-butanone (MEK), ethylbenzene, methylene chloride, nitrobenzene, toluene, and xylene, LDRs do not apply to the concrete debris and associated environmental media and it may be managed and disposed of as nonhazardous waste.

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 contained-in determination or manage the concrete debris and associated environmental media as a hazardous waste.

If you have any questions regarding this letter, please contact Kathryn Chamberlain of my staff at (505) 476-6046.

Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

JPB:kmc

cc: K. Chamberlain, NMED HWB  
N, Dhawan, NMED HWB  
D. Cobrain, NMED HWB  
S. Yanicak, NMED DOE OB, MS J993  
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G. Rael, DOE LASO, MS A316  
V. George, LANS ENVP-DO MS J978  
file: Reading and LANL TA-16 '07 (16-340 Complex)