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RON CURRY
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JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 11, 2008

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
P.O. Box 1663, MS M992
Los Alamos, NM 87545

**RE: NOTICE OF APPROVAL WITH DIRECTION
INVESTIGATION REPORT FOR CONSOLIDATED UNITS 16-007(A)-99
AND 16-008(A)-99 AT TECHNICAL AREA 16, REVISION 1
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-07-038**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security, LLC (LANS) (collectively, the Permittees) *Investigation Report for Consolidated units 16-007(a)-99 and 16-008(a)-99 at Technical Area 16, Revision 1* (IR), dated January, 2008 and referenced by LA-UR-08-0256/EP2008-0018. NMED has reviewed the document and hereby issues this Notice of Approval with the following direction.

After reviewing the Permittees' Response (dated January 22, 2008) to NMED's Notice of Disapproval (NOD), NMED concurs with the conclusions of the IR. However, in future submittals, the Permittees should ensure that the following issues are clarified, justified or both in the human health and ecological risk assessment sections of the IR to ensure transparency of conclusions. This is important to facilitate the review of the document by NMED and the general public.

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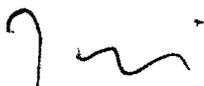


1. Human exposure (future construction and utility worker) to subsurface contamination:
The IR should have specified the controls that will be implemented to prevent exposure to contamination at depths of 11 feet below ground surface (bgs). The response to Specific Comment 6 of the NOD should have been incorporated in the IR as clear justification on how subsurface exposures will be prevented.
2. Ecological Risk Assessment Conclusions: The Permittees state in their response to Specific Comment 11 of the NOD that the requested integration of receptor-specific lines of evidence into receptor-specific risk characterizations is not necessary to conclude that no potential ecological risk is present. However, the current presentation is unclear and challenges the NMED and the general public to assemble information from a myriad of locations in order to follow the flow of the text that concludes that there is no ecological risk. Future ecological risk assessments should include a brief summary of the lines-of-evidence that led to the conclusion of "no ecological risk is posed by the site."
3. Exposure point concentrations: Several minor discrepancies in the upper 95th confidence limits (UCL95) were identified in the report. A spot check of the ProUCL files for the residential and construction scenarios revealed several discrepancies with the exposure point concentration (EPCs) shown in Table J-2.2-3. EPCs for Consolidated Unit 16-007(a)-99 for the residential and construction worker scenarios (0-11 ft bgs depth) did not agree with the ProUCL output provided on the data disc included with the NOD response to Specific Comment 7. The Permittees should have ensured that Table J-2.2-3 reflects the EPC value used in the risk and hazard calculations. Where that value differs from a value calculated by ProUCL (typically ProUCL calculates multiple EPCs for a data set), the IR should acknowledge and explain the difference. The Permittees must ensure that future reports address this issue.

Failure to address the deficiencies in future reports could result in disapprovals of the subject documents. The Permittees must submit a work plan for the additional investigation and remediation proposed in Section 8.0 of the IR by November 15, 2008. The Permittees must provide a proof of installation of erosion controls (best management practices) in the drainages to the 90s Line Pond to NMED by June 30, 2008. All submittals must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order.

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

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

Messrs. Gregory and McInroy
February 11, 2008
Page 3

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
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File: LANL, TA 16, 16-007(a)-99 and 16-008(a)-99, 2008