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TA16
NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

JOHN GOLDSTEIN Y PADILLA
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 16, 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 Program Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop M992
Los Alamos, NM 87545

RE: APPROVAL OF THE "CONTAINED-IN" DETERMINATION REQUEST FOR DRILL CUTTINGS, EXCAVATED SOIL AND CONTACT WASTE FROM THE 16-340 COMPLEX AND FISH LADDER INVESTIGATION CONSOLIDATED UNITS 13-003(a)-99, 16-003(n)-99, 16-003(o), 16-026j2), AND 16-029(f) LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515

Dear Messrs. Gregory and McInroy:

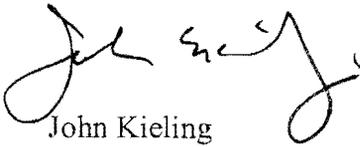
The New Mexico Environment Department (NMED) is in receipt of the Department of Energy and the Los Alamos National Security, LLC's (collectively, the Permittees) "contained -in" request for *Drill Cuttings, Excavated Soil and Associated Contact Waste* dated September 4, 2008 and referenced by ENV-RCRA-08-0-173 [hereafter "Request"]. The Request concerns the status of investigation derived waste (IDW) for the purpose of management and disposal. Accompanying the Permittee's Request are comparisons of the maximum detected concentration of the organic constituent, toluene, with the New Mexico Environment Departments (NMED) Industrial site -specific soil screening level (SSL), the Environmental Protection Agency (EPA) Region 6 industrial SSL, the land disposal restriction (LDR) treatment standard, and the Environmental Protection Agency (EPA), Industrial/Outdoor Worker scenario for toluene. The provided analytical results indicate that the detected concentration of toluene is below regulatory treatment standards and applicable screening levels. Additionally, the data also demonstrate that



that the waste is not a characteristic hazardous waste as defined in 40 CFR 261.21 through 261.23. Based on the provided analytical results, the toluene detected in environmental media does not need to be managed as hazardous waste. This approval only applies to the environmental media and analytical testing discussed in the Request. A new request must be submitted to NMED for approval if additional constituents and compounds are identified during subsequent sampling of the IDW (investigation derived waste).

Should you have any questions regarding this letter, please contact John Young of my staff at (505) 476-6038.

Sincerely,



John Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau

cc:

J. Young NMED HWB
D. Cobrain, NMED HWB
L. King, EPA 6PD-N
G. Rael, DOE LASO, MS A316
V. George, LANS ENVP-DO MS J978
A. Grieggs, ENV-RCRA, MS K490
G. Turner, LASO/EO, MS A316
file: Reading and LANL TA-16 '07