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NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 12, 2009

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: APPROVAL OF THE "CONTAINED-IN" DETERMINATION FOR WELL
DEVELOPMENT WATER FROM DRILLING REGIONAL WELL R-25b
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515**

Dear Messrs. Gregory and McInroy:

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 Well Development Water from Drilling Regional Well R-25b* (dated January 6, 2009 and referenced by ENV-RCRA-09-003).

The Permittees provide a comparison of the maximum detected concentration of a F-listed organic constituent (i.e., toluene) with the New Mexico Water Quality Control Commission Standards (WQCC), the U.S. Environmental Protection Agency (EPA) Safe Drinking Water Act Maximum Contaminant Levels (MCLs), and EPA Region 6 Tap Water Human Health Medium-Specific Screening Levels (MSSLs). The analytical results demonstrate that the concentration of toluene is below the WQCC, MCLs and MSSLs. The data also indicates that the development water is not a characteristic

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hazardous waste. Based on the information provided, NMED has determined that the well development water does not need to be managed as hazardous waste.

The Permittees propose to land apply the development water in accordance with the NMED-approved NOI Decision Tree, *Land Application of Groundwater*. The Permittees provide a comparison of the maximum detected concentration of toluene with the EPA Land Disposal Restriction Treatment Standards (LDRs). The maximum detected concentration is below the LDRs. The analytical data demonstrates that the LDRs do not apply to the well development water and that it can be disposed of as non-hazardous waste.

NMED hereby grants the Permittees' request that the development water from drilling regional well R-25b be managed as non-hazardous waste. Please contact Neelam Dhawan at (505) 476-6042, should you have any questions.

Sincerely,



John E. Kieling
Program Manager
Permits Management Program
Hazardous Waste Bureau

cc:

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File: Reading and LANL '09, TA-16, R-25b