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NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 17, 2009

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Environmental Operations Project Director
Los Alamos National Security, LLC
P.O. Box 1663, MS M992
Los Alamos, NM 87545

**RE: APPROVAL
"CONTAINED-IN" DETERMINATION FOR DRILLING FLUID FROM
REGIONAL WELLS R-25b AND R-25c,
LOS ALAMOS NATIONAL LABORATORY (LANL),
EPA ID #NM0890010515
LANL-MISC-GW**

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 Drilling Fluid from Regional Wells R-25b and R-25c*, dated March 4 2009 and referenced by ENV-RCRA-09-042.

The Permittees provide a comparison of the maximum detected concentration of toluene and 2-Butanone (MEK) with the New Mexico Water Quality Control Commission (NMWQCC) human health standards listed in 20.6.2.3.3103 NMAC, the Environmental Protection Agency (EPA) Safe Drinking Water Act Maximum Contaminant Levels (MCLs) (40 CFR §141.61), and the EPA Region 6 Tap Water Human Health Medium-Specific Screening Levels (HHMSSLs). The analytical results demonstrate that the concentrations of toluene are below the NMWQCCS, the HHMSSLs, and the MCLs. There are no NMWQCC or MCL standards for MEK. However, the New Mexico Environment Department (NMED) Soil Screening Levels (SSLs) provide a tap water screening level of 7060 µg/L and the HHMSSL is 7100 µg/L; the maximum

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concentrations of MEK at R-25b and R-25c (5.10 µg/L and 44.0 µg/L, respectively) are below the SSL.

Based on the information provided, NMED has determined that the drilling fluid collected from regional wells R-25b and R-25c 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 provided a comparison of the maximum detected concentration of toluene and MEK with the Land Disposal Restriction (LDRs) Treatment Standards (40 CFR §268.40). The maximum detected concentrations of toluene and MEK are below the LDRs and cleanup levels listed in 20.6.2.3.3103 NMAC. LDRs therefore do not apply to the development water.

NMED hereby grants the Permittees' request that drilling fluids collected from regional wells R-25b and R-25c be managed as non-hazardous waste.

Please contact Kathryn Roberts of my staff at (505) 476-6041 should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
K. Roberts, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
T. Skibitski, NMED DOE OB
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File: Reading and LANL, 2009 TA-16, R-25b & R-25c