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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 29, 2011

George J. Rael
Assistant Manager
U.S. Department of Energy
National Nuclear Security Administration
Los Alamos Site Office
3747 West Jemez Rd, MSA316
Los Alamos, NM 87544

Michael J. Graham
Associate Director Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

**RE: NO LONGER CONTAINED-IN DETERMINATION
DRILLING FLUIDS, DEVELOPMENT WATER, AND CONTACT WASTE
REGIONAL WELL R-63
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-MISC-GW**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) has reviewed the United States Department of Energy (DOE) and Los Alamos National Security, L.L.C.'s (collectively, the Permittees) document entitled *Request for "Contained-In" Determination for Drilling Fluids, Development Water, and Associated Contact Waste from Regional Well R-63* (Request) dated April 7, 2011 and referenced by ENV-RCRA-11-0064.

The analytical results for the development water indicate that toluene, a potentially F-listed constituent, is present in the media. The Permittees provide a comparison of the maximum detected concentration of toluene in the development water with the New Mexico Water Quality Control Commission (WQCC) groundwater standard, the Environmental Protection Agency (EPA) Safe Drinking Water Act Maximum Contaminant Level (MCL) and Land Disposal Treatment Standards (LDR) that shows the toluene concentrations are well below the WQCC, EPA MCL, and LDR comparison



standards. Therefore, the waste is not a characteristic hazardous waste as defined by 40 CFR 261.21 through 261.24. Based on the information provided, NMED has determined that the development water and associated contact waste does not need to be managed as hazardous waste.

Because the Request does not include analytical results for drilling fluids, NMED cannot make a determination as to whether or not the drilling fluids need to be managed as hazardous waste. NMED will evaluate the status of the drilling fluids upon receipt of appropriate analytical data for them.

Please contact Michael Dale at (505) 661-2673 should you have any questions or wish to discuss this further.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
D. Cobrain, NMED HWB
M. Dale, NMED HWB
J. Kulis, NMED HWB
T. Skibitski, NMED DOE OB
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M. Haagenstad, ENV-RCRA, K490
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H. Shen, DOE-LASO, MS A316

File: Reading and LANL 2011 – Contained-In Approval R-63 drilling fluid, development water, and associated contact waste
ENV-RCRA-11-0064