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Environmental Protection Division
Water Quality & RCRA Group (ENV-RCRA)
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Date: May 17, 2011
Refer To: ENV-RCRA-11-0092

Mr. John Kieling
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6313

Dear Mr. Kieling:

SUBJECT: CLARIFICATION AND UPDATE: NO LONGER CONTAINED-IN DETERMINATION FOR DRILLING FLUIDS, DEVELOPMENT WATER, AND CONTACT WASTE FROM REGIONAL WELL R-63

The purpose of this letter is to provide a follow-up to a phone conversation and e-mail exchanges between Mark Haagenstad of the Los Alamos National Security (LANS) Water Quality and RCRA Group (ENV-RCRA) and Michael Dale of the New Mexico Environment Department Hazardous Waste Bureau (NMED-HWB) regarding NMED's response to a "contained in" request for drilling fluids, development water, and contact waste generated from regional well R-63 [Reference: No Longer Contained-In Determination Drilling Fluids, Development Water and Contact Waste Regional Well R-63 (approval letter) dated April 29, 2011].

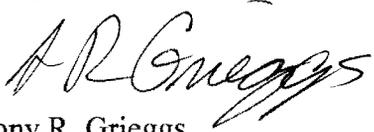
The second page of NMED-HWB's response letter states, "Therefore, the waste is not a *characteristic* hazardous waste as defined by 40 CFR 261.21 through 261.24." Per phone conversations with Michael Dale, NMED intended to state, "Therefore, the waste is not a *listed* hazardous waste as defined by 40 CFR 261.31."

In addition to the above clarification, LANL is providing an update to the original request letter dated April 7, 2011. The original letter requested a contained-in determination for drilling fluids from R-63. LANL would like to revoke this original request because recent sampling and analysis data provides information that the drilling fluid is non-hazardous.



Please contact Mark Haagenstad of my staff at (505) 665-2014 if additional information would be helpful.

Sincerely,



Anthony R. Grieggs
Group Leader
Water Quality & RCRA (ENV-RCRA) Group

ARG:MH/lm

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CAP Project File, M992
ENV-RCRA File, K490
IRM-RMMSO, A150