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RON CURRY
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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

June 21, 2004

David Gregory, Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

G. Pete Nanos, Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop A100
Los Alamos, NM 87545

**RE: APPROVAL AS MODIFIED
PHASE III RFI REPORT FOR
SOLID WASTE MANAGEMENT UNIT (SWMU) 16-021(c)-99
LOS ALAMOS NATIONAL LABORATORY (LANL), NM0890010515
HWB-LANL-03-011**

Dear Messrs. Gregory and Nanos:

The New Mexico Environment Department (NMED) is in receipt of the *Phase III RFI Report for Solid Waste Management Unit 16-021(c)-99*, referenced by LA-UR-03-5248 (ER2003-0480) and dated September 2003, the *Response to Notice of Deficiency for Phase III RFI Report for SWMU 16-021(c)-99*, referenced by LA-UR-04-0480 and dated January 2004, and the *Revision to Response to Notice of Deficiency for the Phase III RFI Report for SWMU 16-021(c)-99*, referenced by ER2004-0083 and dated February 19, 2004. NMED has reviewed these documents and hereby approves these documents with the modifications described in the attachment to this letter.

The University of California and the Department of Energy (collectively, the "Permittees") must provide the requested information in the attachment within thirty (30) days of receipt of this letter. If the Permittees fail to provide the requested information within the given timeframe, the approval for these documents will be automatically rescinded. Should you have any questions, please feel free to contact Darlene Goering of my staff at (505) 428-2542.



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Messrs. Gregory and Nano

June 21, 2004

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Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

JB:dxg

cc: M. Leavitt, NMED SWQB
J. Schoeppner, NMED GWQB
D. Goering, NMED HWB
C. Voorhees, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
J. Vozella, DOE OLASO, MS A316
B. Ramsey, LANL RRES/DO, MS M591
N. Quintana, LANL RRES-RS, MS M992
D. McInroy, LANL RRES-RS, MS M992
file: Reading and LANL (Building 260 Outfall, Cañon de Valle, Martin Spring Canyon)

ATTACHMENT

(Note: Attachment and comment numbers refer to the original NOD dated 12/23/03)

Attachment 1 General Comment:

2. The Permittees response to this comment indicates that potential doses from radionuclides of concern in surface water were calculated using the RESRAD version 6.21 computer code and that the resulting doses will be added to the text of the report. The input and output files from the RESRAD runs should be provided to allow for concurrence with the resulting doses. The Permittees should provide both the input and output files for the RESRAD files and include these files as an Appendix to the report.

Attachment 1 Specific Comments:

4. Section 1.5.1 Frequency of Detection, pg. 1-18, paragraph 3:

This comment addressed concerns over the elimination of chemicals detected in less than 5% of samples. The response to this comment adequately addresses the comment; however, some additional clarification to the response is warranted. EPA guidance (*Risk Assessment Guidance for Superfund* [RAGS], 1989) allows for the elimination of chemicals from a risk assessment if it is detected infrequently (e.g., less than 5% per 20 samples), not detected in other sampled media, and/or if there is no reason to believe the chemical may be present. However, RAGS clearly states that, "chemicals expected to be present should not be eliminated" from the risk assessment. The Permittees must clarify that if there is any evidence that a constituent has been historically present at the site, and if data indicate the presence of this constituent, then this constituent would be included in the risk assessment.

6. Section 1.5.3 Comparison to Regulatory Standards (Water Only), pg. 1-21, paragraph 3:

Even though NMED has requested that the Permittees use the EPA Region 6 (or 9) residential tap water screening levels, the numeric human health water quality criteria for persistent toxic constituents recently adopted by the NMWQCC and upheld in the New Mexico Court of Appeals should be used as surface water screening levels in the future.

21. Section 6.2.1.1 Scoping, Screening and Problem Formulation, pg. 6-10:

The Permittees' response to this comment is not adequate. NMED's comment requested that the Permittees discuss the impact of using an older version of ECORisk (Version 1.2) in lieu of more recent versions of the program. (it is noted that since the drafting of NMED's comments, a new release, Version 2.0, of ECORisk has been released for review). The Permittees' response was simply a printout of the data tables contained in ECORisk, versions 1.2, 1.3, 1.4, and 1.5. This is not acceptable. The Permittees must provide a clear discussion as to whether any toxicity reference values for any of the constituents of potential concern (COPCs) have been updated. As

the version of ECORisk that was applied is now four versions out-of-date, the Permittees must revise the risk assessment to be based on ECORisk 1.5 values, or Version 2.0 if this version has been approved for use.

Attachment 2 General Comments:

3. The response to the comment is not adequate. The comment requested tables that clearly indicate what values were applied from the ECORisk database, each toxicity reference value for each receptor species, and the concentrations used to obtain the HQs for species. The response provided by LANL was a printout of the entire database, which contains data for several constituents that are not COPCs. This is not acceptable. The tables must be revised and should specifically address the COPCs and the associated toxicity data. The Permittees must revise the report accordingly.