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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

June 28, 2004

David Gregory, Federal Project Director  
Los Alamos Site Office  
Department of Energy  
528 35<sup>th</sup> 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 OF THE INVESTIGATION WORK PLAN FOR THE TA-16-340  
COMPLEX, SOLID WASTE MANAGEMENT UNITS 13-003(a)-99, 16-003(n)-99,  
16-003(o), 16-026(j2), AND 16-029(f) AT TECHNICAL AREA 16  
LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515  
HWB-LANL-04-004**

Dear Messrs. Gregory and Nanos:

The New Mexico Environment Department (NMED) is in receipt of the *Response to the Notice of Disapproval (NOD) for the Investigation Work Plan for the TA-16-340 Complex, Solid Waste Management Units 13-003(a)-99, 16-003(n)-99, 16-003(o), 16-026(j2), and 16-029(f) at Technical Area 16*, referenced by LA-UR-04-4071/ER2004-0328 and dated June 2004. NMED has reviewed this document and hereby approves the work plan (LA-UR-04-1466/ER2004-0095, dated March 2004) and the response to the NOD. However, the NMED would like to make the following comment.

In their response to comment #1 of the NOD, the Regents of the University of California and the Department of Energy (collectively, the "Permittees") state that the application of the construction worker scenario as a cleanup criterion to the slopes and canyon bottom of Fishladder Canyon is inappropriate because construction will not occur in these areas. NMED cannot agree



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with this statement because the Permittees cannot guarantee that the potential for construction in the canyon bottom does not exist. The Permittees also state that any construction that could occur on the mesa top will include mitigation of contaminant exposure through routine procedures that would include implementing site-specific health and safety plans and occupational exposure limit requirements, and prior notification of contamination to workers. NMED does not believe that the Permittees' routine health and safety procedures guarantee that construction workers will not be exposed to residual contamination that may be left on site following remediation. The use of the construction worker SSLs as interim cleanup levels provides that guarantee. However, NMED agrees that the Permittees will use the construction worker SSLs for comparison purposes as proposed in their NOD response.

Should you have any questions, please feel free to contact me at (505) 428-2542.

Sincerely,



Darlene Goering

Project Leader

Hazardous Waste Bureau

cc: J. Bearzi, NMED HWB  
M. Leavitt, NMED SWQB  
J. Schoeppner, NMED GWQB  
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file: Reading and LANL '04