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GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT

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TA-16



RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 29, 2004

David Gregory, Federal Project Manager
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: CONTAINED-IN DETERMINATION FOR SOIL, TUFF, AND SEDIMENT AT
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)
LOS ALAMOS NATIONAL LABORATORY, NM0890010515**

Dear Messrs. Gregory and Nanos:

The New Mexico Environment Department (NMED) has reviewed Los Alamos National Laboratory's (LANL) request for a "contained-in" determination for environmental media excavated during an interim action for the TA-16-340 Complex. The "contained-in" determination is requested for soil, tuff, and sediment contaminated with F-listed hazardous waste. NMED evaluated the analytical results provided by LANL in its request to determine if the contaminated media can be considered to no longer contain hazardous waste for the purpose of waste management.

According to an Environmental Protection Agency memorandum dated October 14, 1998, a contaminated medium no longer contains hazardous waste when it no longer exhibits a characteristic of hazardous waste and when concentrations of hazardous constituents from listed hazardous waste are below health-based levels. The NMED cannot determine a "contained in" based on the concentrations of hazardous constituents provided in LANL's request. The data provided were collected in 1995 and may not be representative of constituents and concentrations



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in the media following removal. LANL must resubmit this request after the excavation of environmental media and waste characterization efforts. Waste characterization must be performed using grab samples.

LANL also requests a determination that LDRs will not apply to the environmental media and that they may dispose of the media at an appropriate permitted solid waste facility. NMED has determined that LDRs will not apply to the environmental media.

Should you have any questions, please feel free to contact Darlene Goering of my staff at (505) 428-2542.

Sincerely,



John Young
LANL Corrective Action Project Leader
Hazardous Waste Bureau

JY:dxg

cc: J. Bearzi, NMED HWB
D. Goering, NMED HWB
C. Voorhees, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
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J. Vozella, DOE OLASO, MS A316
D. Hickmott, LANL E/ER, MS M992
B. Ramsey, LANL RRES/DO, MS M591
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file: Reading and LANL