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GOVERNOR

State of New Mexico  
**ENVIRONMENT DEPARTMENT**

**Hazardous Waste Bureau**  
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DEPUTY SECRETARY

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

April 25, 2001

Dr. John C. Browne, Director  
Los Alamos National Laboratory  
P.O. Box 1663, Mail Stop A100  
Los Alamos, New Mexico 87545

Mr. Theodore Taylor, Project Manager  
Los Alamos Area Office - Department of Energy  
528 35<sup>th</sup> Street  
Los Alamos, New Mexico 87544

**RE: DEVIATIONS FROM APPROVED PHASE II RFI INVESTIGATION OF DP  
TANK FARM (PRS 21-029) AND COMPLIANCE ORDER (CO) NO. HRM-98-01  
AND 20 NMAC 4.2.II.201.7  
LANL EPA ID NO. NM0890010515**

Dear Dr. Browne and Mr. Taylor:

The New Mexico Environment Department (NMED) Hazardous Waste Bureau is in receipt of the letter entitled *Proposed Schedule to Address Deviations from the Approved Phase II Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI) of DP Tank Farm, Potential Release Site (PRS) 21-029* dated April 18, 2001 and referenced by ER2001-0314. The letter proposes a schedule and a request for a deviation from the approved analytical suite for the DP Tank Farm Investigation.

NMED approves the requested deviation from the analytical suite to exclude Stoddard solvent, kerosene, and ethanol during the resampling activities. This approval is based on results of previous field investigation activities conducted at the site. However, if positive Stoddard solvent, kerosene or ethanol detects are observed in laboratory sample results, additional analyses are required to quantify the positive detection. Thorough documentation and rationale for all deviations is also required as part of the final report submitted to NMED for the site.



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The request to extend the Phase II RFI Report submittal from September 30, 2001 to December 21, 2001 is denied. The following deadlines (outlined in the March 13, 2001 letter from NMED) stand:

- NMED requires that all approved investigation activities be completed at DP Tank Farm by July 31, 2001, and
- The Phase II RFI Investigation Report for DP Tank Farm must be submitted to NMED no later than September 30, 2001.

Activities at the site are being conducted under Compliance Order (HRM-98-01) issued by NMED on June 8, 1998. The Stipulated Final Order (HRM-98-01) required LANL to submit to NMED *"The Project Scheduling and Reporting Schedule, Section 4.1"* of the Workplan. This schedule was submitted to NMED on June 10, 1999 (referenced by EM/ER:99-153). In the compliance schedule, the final RFI Report submittal date to NMED was March 1, 2000. NMED has extended the deadline to September 30, 2001, and extension of 19 months. Should LANL not submit the final RFI report to NMED for review by the deadline, LANL may be subject to civil penalties of up to \$25,000.00 for each day of noncompliance, as set forth in § 74-4-10 NMSA 1978.

Should you have any questions or require additional assistance regarding this issue, please feel free to contact Victoria Maranville at (505) 827-1558 extension 1044.

Sincerely,



James Bearzi  
Chief  
Hazardous Waste Bureau

Cc: G. Lewis, Director, NMED WWMD  
J. Kieling, NMED HWB  
V. Maranville, NMED HWB  
J. Young, NMED HWB  
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W. Woodworth, DOE LAAO, MS A316  
P. Bertino, E/ER, MS M992  
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T. Grieggs, ESH-19, MS K490  
J. Hopkins, EES-13, MS M992  
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File Reading and HSWA 1/1106/21/21-029