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TA21



RON CURRY
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DEPUTY SECRETARY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

September 29, 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: REPLACEMENT PAGE
NOTICE OF DISAPPROVAL FOR THE INVESTIGATION WORK PLAN FOR
SWMU 21-018(a)-99, MDA V, AT TECHNICAL AREA 21
LOS ALAMOS NATIONAL LABORATORY, NM0890010515
HWB-LANL-04-009**

Dear Messrs. Gregory and Nanos:

The New Mexico Environment Department (NMED) issued a Notice of Disapproval for the *Investigation Work Plan for Solid Waste Management Unit 21-018(a)-99, Material Disposal Area V, at Technical Area 21* on September 14, 2004. An error exists on page 7 of the attachment to the letter. Please replace with the attached page.

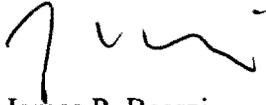


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Messrs. Gregory and Nates
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Should you have any questions, please feel free to contact Darlene Goering of my staff at (505) 428-2542.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:dxg

cc: J. Bearzi, NMED HWB
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
D. McInroy, LANL E/ER, MS M992
N. Quintana, LANL E/ER, MS M992
file: Reading and LANL

9. Appendix C Management of Investigation Derived Waste, page C-1-C-3:

NMED Comment: NMED requires the Permittees to submit a request for approval of an area of contamination (AOC) designation. The Permittees have not requested approval for the AOC designation. Delineation of an AOC must be reviewed and approved by NMED prior to implementation of this work plan. EPA defines an AOC as certain discrete areas of generally dispersed contamination that can be equated to Resource Conservation and Recovery Act (RCRA) units or landfills. Wastes may be either consolidated or treated in-situ within the AOC without triggering RCRA requirements. Neither of these actions is proposed at MDA V. NMED therefore believes the Permittees are not applying the AOC concept properly to this site.

The Permittees must provide brief descriptions of the methods and procedures used to characterize the waste streams. As stated in section IX.A of the September 1, 2004 draft Consent Order, the Permittees cannot substitute a reference to their SOPs and website for a description of procedures.

The Permittees cannot use previous sampling data for the purpose of characterizing newly generated waste streams. The Permittees must collect samples of all newly generated waste streams related to IDW and submit the samples for laboratory analysis.

The Permittees did not provide information on how drill cuttings will be handled during and after the investigation. The Permittees must describe how this waste stream will be managed and characterized, and where it is anticipated to be disposed.

The Permittees assume that most of the waste streams generated will be disposed of as low level waste (LLW) at TA-54 MDA G. Absorption Beds 2 and 3, which the Permittees propose to manage as LLW, received the same effluent as Absorption Bed 1. Excavated fill from Absorption Bed 1 is being managed as mixed LLW. The Permittees must manage soil from Absorption Beds 2 and 3 in a similar manner. Before disposal, the Permittees must characterize the waste. At that point, a determination can be made as to where the waste may be disposed.

It is not clear how the Permittees are going to handle the cast iron pipe and VCP. The text of the Work Plan discusses what has been done historically, but does not discuss what the Permittees propose to do as part of this work. The Permittees must revise the text to discuss how this waste stream will be managed.