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TA21



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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

December 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 WITH MODIFICATIONS
INVESTIGATION WORK PLAN FOR MATERIAL DISPOSAL AREA B, SOLID
WASTE MANAGEMENT UNIT 21-015, AT TECHNICAL AREA 21,
LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515
HWB-LANL-04-010**

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 Solid Waste Management Unit 21-018(a)-99, Material Disposal Area V, at Technical Area 21*, referenced by LA-UR-04-3699/ER2004-0278 and dated June 2004, and submitted by the U.S. Department of Energy and the Regents of the University of California (collectively, the Permittees). NMED has reviewed the aforementioned document and hereby approves the work plan and the response to the NOD with the modifications described in the attachment to this letter. If the Permittees fail to implement the modifications, the approval for this document will be automatically rescinded.



10799

(Note: Comment numbers refer to the original NOD dated October 26, 2004)

1. NMED does not agree that the abandoned radioactive liquid waste line should be excluded from the investigation on the basis that it is not within the SWMU boundary. As a reminder, the Permittees must investigate releases outside of the SWMU boundary as part of the investigation. Based on conversations with laboratory personnel, there are still sections of the radioactive liquid waste line in place near MDA B. The Permittees may address the waste line during decommissioning and disposition activities, but cannot entirely exclude the waste line from the investigation on the sole basis that it is not within the SWMU boundary.
4. The Permittees must drill two boreholes to the Cerro Toledo interval at MDA B. However, the locations of these boreholes will be based on the exploratory trenching activities and must be approved by NMED.
5. Approval of this work plan does not imply the approval of proposed methods of material management for trench-characterization-related activities (i.e., an AOC designation). In order to obtain AOC designation, the Permittees must submit a separate request for such a designation. The request should clearly define the boundaries of the proposed AOC, explain the rationale or justification for how the boundaries were established, explain how the boundaries will be delineated, and describe what activities will be conducted within the AOC.

Please note that the Permittees may not conduct a "Voluntary Corrective Action" at MDA B. The Permittees are directed to Section VII.F of the proposed Consent Order, which explains the limited scope of Accelerated Corrective Actions.

9. The Permittees reference Sections 5.11 (Waste Management) and Appendix C (IDW Management Plan) to explain their waste characterization methods. However, these sections of the work plan reference laboratory SOPs. In accordance with Section IX.A, Standard Operating Procedures, the Permittees must provide a brief description of investigation, sampling and analytical methods and procedures in documents submitted to NMED.

The Permittees' statement that, "Waste leaving the site will be analyzed as necessary to meet the waste acceptance criteria (WAC)..." is not a sufficient explanation. NMED would like to reiterate that any waste leaving the site, for whatever reason, must be characterized in an off-site laboratory.

10. See Comment #9.

Item 3, page 39. See Comment #4.

16. NMED directs the Permittees to supply NMED only with revised text or revised pages of the work plan. The Permittees are not to submit an entire revised work plan for review.

Should you have any questions, please contact Kathryn Chamberlain at (505) 428-2546.

Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

cc: K. Chamberlain, NMED HWB
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file: Reading and LANL TA-21 (SWMUs 21-015)