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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 11, 2005

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: LAND TRANSFER OF TRACTS A-15-1 (TA-21-1 WEST) AND A-18 (TA-74-2 SOUTH)
LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515

Dear Messrs. Gregory and Nanos:

The New Mexico Environment Department (NMED) is in receipt of the Department of Energy's (DOE) written notice to transfer Tract A-15-1 (TA-21 West) to the Los Alamos School District. The tract contains consolidated solid waste management units (SWMU) 21-013(d)-99 and 21-024(f), and areas of concerns (AOC) 21-030 and C-21-015 through C-21-021. The Environmental Protection Agency approved AOCs C-21-015 through C-21-021 for no further action. NMED determined that the corrective measures implemented at SWMUs 21-013(d)-99 and 21-024(f), and AOC 21-030 are protective of human health and the environment in light of the transferee's intended use.

NMED also is in receipt of the DOE's written notice to transfer Tract A-18 (TA-74 South) to the County of Los Alamos. The tract contains the lower part of Pueblo Canyon. NMED has determined that the corrective measures implemented by DOE and the University of California (collectively, the Permittees) with regard to the property are not protective of human health and the environment in light of the transferee's intended use. The construction worker risk scenario



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used on the property does not present the worst-case risks to a construction worker for construction activities that may take place in areas other than those identified in the Los Alamos and Pueblo Canyons Investigation Report (Report). Even though the Permittees do not foresee construction activities occurring in areas of contaminated sediments (e.g., flood plains), the Permittees cannot guarantee this will not occur. The Permittees must demonstrate with additional risk analyses that risks to construction workers in these areas would be less than or equal to the risks currently evaluated. NMED recommends the Permittees work closely with Los Alamos County to identify other areas of potential construction. In addition, NMED agrees with the Permittees that the residential exposure scenario is not a reasonably foreseeable land use for the entire canyon bottom. However, the Permittees are reminded that the future land use may change in any part of the canyon and recommends using this scenario, in addition to the extended backyard and trail user scenario, at the locations of greatest contamination to further support risk-based decisions.

The investigation activities included in the Report do not include all data that NMED needs to determine if additional corrective measures are required in the Los Alamos and Pueblo watershed. Numerous data have been collected at the Water Quality and Hydrology Group's storm water monitoring stations and at additional locations in these canyons by the Environmental Restoration Group that have not been reported or evaluated in this Report. These data are critical for NMED to determine if contaminants are being transported down canyon and beyond the Facility boundary. Surface water sampling data provided in the Report do not include all available information. NMED reminds the Permittees that the addendum to the Los Alamos and Pueblo Canyons Work Plan states that "[o]ther relevant data collected by the Laboratory Water Quality Group (ESH-18) (e.g., storm water runoff, alluvial groundwater, and sediment) will be used to assess the fate and transport of contaminants and to support the development of an assessment of potential future impacts that may be caused by contaminant migration." The Permittees must submit all relevant storm water monitoring data from the Los Alamos and Pueblo canyon watershed, including data from gaging stations. The data must be compared to relevant and applicable DOE-derived concentration guidelines and WQCC standards. The data must include samples collected before and after the Cerro Grande fire.

Dioxin and furans were not included in the risk assessment. The Permittees state in the Report that an agreement between the Permittees and NMED had been reached to not include these constituents in the risk assessment, as noted in *Katzman 2002*. This agreement refers to the approach to determining contaminants of concern for the ecological risk assessment. The data that were presented to NMED to illustrate decreasing trends from SWMU 73-002, the likely major contributor of dioxins to Pueblo Canyon, are incomplete. The data set does not include all of the dioxin and furan congeners. For the six samples collected in three of the drainages leading from the SWMU closest to Pueblo Canyon, the Permittees only present a complete congener list for one sample. In an additional drainage, the sample collected was not analyzed for dioxins and furans. The Permittees state in the aforementioned agreement that they only have post-fire data. Because the data set is not complete, the Permittees are unable to determine which of the dioxins/furans are related to the fire, which is important to know to determine risks from LANL.

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operations. The Permittees must collect additional sediment data and then revise the risk assessment

NMED requires that these additional investigation activities and risk analyses be performed prior to transfer. 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
D. Pepe, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
T. Taylor, DOE LASO, MS A316
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D. Katzman, LANL RRES-RS, MS M992
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file: Reading and LANL: SWMUs 21-013(d)-99 and 21-024(f), AOCs 21-030 and C-21-015 through C-21-021