TA21

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 9, 2007

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Remediation Services Deputy Program Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop M992
Los Alamos, NM 87545

RE: APPROVAL OF "NO LONGER CONTAINED-IN" DETERMINATION REQUEST FOR ASPHALT AND ASSOCIATED SOIL AT SWMU 21-024(g) FROM THE TA-21 DELTA PRIME SITE AGGREGATE AREA REMEDIATION PROJECT
LOS ALAMOS NATIONAL LABORATORY, EPA ID #NM0890010515
HWB-LANL-04-011

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has reviewed the Department of Energy and the Los Alamos National Security, LLC's (collectively, the Permittees) *Request for a No Longer Contained-in Determination for Environmental Media and Associated Debris at SWMU 21-024(g) from the TA-21 Delta Prime Site Aggregate Area (DPSAA) Remediation Project* (referenced by ENV-RCRA: 07-147). NMED hereby grants the Permittees' request for a "no longer contained in" determination for the waste.

The Permittees provided a comparison of the maximum detected concentrations of potential F-listed organic constituents in each sample with the New Mexico Soil Screening Levels (SSLs) and the Environmental Protection Agency (EPA) Region 6 Human Health Medium-Specific Screening Levels (MSSLs). The potential F-listed constituents that were detected are trichloroethene (F001 or F002) and toluene (F005). These constituents were detected at levels

that are below both the SSLs and MSSLs for the industrial/occupational worker scenario. The results of the Toxicity Characteristic Leaching Procedure (TCLP) analysis of the samples indicate that concentrations of all metals were below the applicable regulatory levels. Additionally, the results indicate that the waste is not a characteristic hazardous waste as defined in 40 CFR 261.21 through 261.23. Based on this information, the environmental media and associated debris does not need to be managed as hazardous waste.

The Permittees also requested a determination that land disposal restrictions (LDR) do not apply to the environmental media and associated debris so that it may be managed and disposed of as a non-hazardous waste. The Permittees provided a comparison of the detected concentrations of potential F-listed organic constituents with the LDR treatment standards. All three of the detections are below the LDR treatment standards listed in 20.4.1.800 NMAC incorporating 40 CFR 268.40. Based on the low levels of trichloroethene and toluene, LDRs do not apply to the environmental media and associated debris and it does not need to be managed and disposed of as hazardous waste.

The Permittees have not provided specific information on final disposition of the waste. Since the waste is contaminated with low-level radiological constituents, the Permittees must ensure that the waste is disposed of at a permitted waste disposal facility. If additional F-listed constituents are detected during future sampling activities or if the constituents discussed above are detected at concentrations above cleanup standards or LDRs, the Permittees must request another no longer contained-in determination or manage it as a hazardous waste.

If you have any questions regarding this letter, please contact Kathryn Roberts of my staff at (505) 476-6041.

Sincerely,

James P. Bearzi
Chief
Hazardous Waste Bureau

cc: K. Roberts, NMED HWB
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file: Reading and LANL TA-21 '07 (SWMU 21-024(g))