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NEW MEXICO
ENVIRONMENT DEPARTMENT



Hazardous Waste Bureau

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 10, 2007

George Rael, Assistant Manager
Department of Energy
Los Alamos Site Office
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

Susan Stiger, Associate Director
Environmental Programs
Los Alamos National Security, LLC
P.O. Box 1663, Mail Stop J591
Los Alamos, NM 87545

**RE: DENIAL OF REQUEST FOR NO FURTHER ACTION
DETERMINATION FOR THREE SOLID WASTE MANAGEMENT
UNITS AND TWO AREAS OF CONCERN AT TECHNICAL AREA 21
LOS ALAMOS NATIONAL LABORATORY NM 0890010515
HWB-LANL-05-010 & LANL-01-007**

Dear Mr. Rael and Ms. Mangeng:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy and the Los Alamos National Security, LLC's (collectively the Permittees) document entitled *Request for Reconsideration: New Mexico Environment Department Disapproval of Class 3 Modification Requests Based on No Further Action for Five Solid Waste Management Units and Areas of Concern* dated April 23, 2007 and referenced by EP2007-0235. NMED has reviewed the document and denies the request to approve no further action (NFA) for the three solid waste management units (SWMUs) and two areas of concern (AOCs): SWMUS 21-013(d), 21-013(e), 21-024(f) and AOCs C-21-015 and 21-030.

NMED does not agree that low erosion potential score for a site necessarily indicates that it will not have an adverse effect on surface water quality. Sites with low erosion potential scores have the potential to discharge pollutants to the surface water that could result in the violation of surface water quality standards. Moreover, the U. S. Environment Protection Agency (EPA) as yet has not issued a National Pollutant Discharge Elimination System (NPDES) storm water

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permit to the Los Alamos National Laboratory (LANL). The Permittees are currently conducting re-assessment of all the SWMUs for surface-water related concerns. EPA will use these assessments in determining what SWMUs would be included on the NPDES permit.

NMED may reconsider these sites after EPA has issued the NPDES storm water permit to LANL. Please note that since AOCs C-21-015 and 21-030 were investigated with SWMU 21-024(f), NMED will reconsider the AOCs at the same time as SWMU 21-024(f).

Please call Neelam Dhawan of my staff at (505) 476-6040 if you have any comments or questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: N. Dhawan, NMED HWB
J. Kieling, NMED HWB
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