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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

November 12, 2008

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
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David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
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Los Alamos, NM 87545

**RE: NOTICE OF DISAPPROVAL (NOD)
DELTA PRIME SITE AGGREGATE AREA PHASE II WORK PLAN
AT TECHNICAL AREA 21
LOS ALAMOS NATIONAL LABORATORY (LANL),
EPA ID #NM0890010515
HWB-LANL-08-031**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) *Delta Prime Site Aggregate Area Phase II Work Plan* (Plan), dated September 2008 and referenced by LA-UR-08-5963/EP2008-0503. NMED has reviewed the Plan and hereby issues this Notice of Disapproval (NOD).

General Comments:

1) The enhanced visual representation of contaminant concentrations using the EarthVision program does not effectively convert a three-dimensional image to a two-dimensional figure. In some cases, sampling points appear to 'float' in the middle of the figure (e.g., Consolidated Unit 21-003-99 and SWMU 21-024(c), page A-14). The public may have difficulty understanding this depiction of contaminant concentrations. Review of the Permittees' proposed sample locations is better portrayed in Figures 6.3-1 through



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6.5-28 of the *Delta Prime Site Aggregate Area Investigation Report, Revision 1*.

Specific Comments

1) Section 3.0, Proposed Extent Sampling, Extent of Contamination at Consolidated Unit 21-006(c)-99, page 4:

Permittees' Statement: "Americium-241, isotopic plutonium, and tritium activities increase with depth at the SWMU 21-006(b) seepage pit inlet pipe; however, activities decrease nearby (within 10 feet and downslope) under the seepage pit. Therefore, no further extent sampling is necessary in this area."

NMED Comment: NMED agrees that the lateral extent has been determined for americium-241, tritium, and isotopic plutonium at solid waste management unit (SWMU) 21-006(b). However, concentrations of these contaminants increase with depth at location 21-601213, despite decreasing concentrations ten feet away. Vertical extent of americium-241, tritium, and isotopic plutonium at location 21-601213 has not been determined. The Permittees must revise the text where appropriate and Table 14 to include sampling at former location 21-601213 to determine vertical extent of americium-241, tritium, and isotopic plutonium.

2) Section 3.1, Lateral Extent Sample Placement Strategy, page 5:

Permittees' Statement: "When lateral extent for a COPC is not defined in an outfall, a sample is placed 10 ft or 20 ft from the original location in the direction in which lateral extent is not defined."

NMED Comment: The Permittees have not explained how they determine the distance a sample location should be from the potential source. The Permittees must revise Section 3.1 to explain what factors are considered in the decision for placement of samples used to determine the lateral extent of contamination at an outfall.

3) Section 5.0, Schedule, page 5, paragraph 2:

Permittees' Statement: "The laboratory will submit the Phase II investigation report 6 mo[nths] after all the extent samples are collected."

NMED Comment: Because the Plan will be approved by NMED by the Notice Date (January 31, 2009), and based on the Permittees' time estimations for readiness review and mobilization, field work, data validation, and report preparation, the Phase II Investigation Report must be submitted no later than January 31, 2010.

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The Permittees must address all comments and submit a revised Plan by December 12, 2008. All submittals (including maps) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order. In addition, the Permittees shall submit a redline-strikeout version that includes all changes and edits to the Plan (electronic copy) with the response to this NOD. The Delta Prime Site Aggregate Area Phase II Investigation Report is due no later than January 31, 2010.

Please contact Kathryn Roberts at (505) 476-6041 should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc:

D. Cobrain, NMED HWB
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file: Reading and LANL'08, TA-21 (SWMUs 21-012(b), 21-024(a), 21-024(e), 21-024(g), Consolidated Unit 21-024(l)-99, SWMU 21-024(o), Consolidated Unit 21-026(a)-99, and SWMU 21-027(c), Consolidated Unit 21-006(c)-99, SWMU 21-022(f), Consolidated Unit 21-022(h)-99 and 21-023(a)-99, and SWMUs 21-024(b), 21-024(d), 21-024(h), 21-024(i), 21-024(j), 21-024(k), 21-024(n), and 21-027(a), AOC 21-002(b), SWMUs 21-009, and 21-013(c), Consolidated Unit 21-003-99, 21-024(c))