



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

TA21
NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



ENTERED



RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 16, 2010

George J. Rael
Environmental Operations Manager
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael Graham
Associate Director Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS 991
Los Alamos, NM 87545

**RE: APPROVAL
REQUEST FOR EXTENSION TO RESPOND TO THE NOTICE OF
DISAPPROVAL FOR THE PHASE II INVESTIGATION REPORT
FOR DELTA PRIME SITE AGGREGATE AREA, TECHNICAL ARE 21
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-10-025**

Dear Messrs. Rael and Graham:

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) *Request for Extension to Respond to the Notice of Disapproval for the Phase II Investigation Report for Delta Prime Site Aggregate Area* (Request), dated and received on July 9, 2010 and referenced by EP2010-0329.

The Permittees are requesting "this extension to address the extensive comments and to incorporate as appropriate the substantial revisions to the document." The Permittees request an extension from the August 1, 2010 submittal date to October 1, 2010.

In its Notice of Disapproval (NOD), dated June 24, 2010, NMED requested that the Permittees revise all tables and figures in the Phase II Report, where appropriate, to include all sampling



Messrs. Rael and Graham
July 16, 2010
Page 3

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

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
K. Roberts, NMED HWB
S. Yanicak, NMED DOE OB, MS M894
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
M. Thacker, EP-TA-21, MS C349
P. Huber, EP-TA-21, MS C349
W. Woodworth, DOE-LASO, MS A316
File: LANL, 2010, 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))

intervals and nondetects. The Permittees state “[t]his would be a significant effort because the report contains over 80 figures, 10 plates, and 75 data tables.”

Additionally, NMED requested that the Permittees conduct a bounding analysis using the lowest observed adverse effect level (LOAEL) to demonstrate that the levels of contamination present at DP Site Aggregate Area did not pose unacceptable harm to the environment. The Permittees stated that the “analysis may involve:

- A maximum of 19 sites
- The calculation of ecological screening levels (ESLs) for up to six receptors for each chemical of potential concern (COPEC) at each of the sites, and
- The development of new text and tables”

NMED also requested that the Permittees clarify whether the assumptions used in the Phase II Report to justify the exclusion of vapor intrusion for the residential scenario also apply to an industrial worker and the businesses that currently occupy property within the DP Site Aggregate Area. The Permittees stated “[i]f vapor intrusion assessments are necessary, this change could affect at least 21 sites, resulting in assessing 1 to 12 volatile organic compounds (VOCs) or more. This assessment will require modeling each VOC at each site and then analyzing and presenting the data in text and tables.”

NMED finds good cause for the extension, and therefore grants extra time for the Permittees NOD Response. The DP Site Aggregate Area Phase II Investigation Report, Revision 1 and Response to NOD must be submitted no later than **October 1, 2010**. The Notice Date will also be extended to October 29, 2010.