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21
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RYAN FLYNN
Cabinet Secretary
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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 8, 2014

Peter Maggiore
Assistant Manager, Env. Projects Office
Los Alamos Field Office, DOE
3747 West Jemez Rd, MS A316
Los Alamos, NM 87544

Jeffrey D. Mousseau
Associate Director, Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

**RE: INVESTIGATION/REMEDATION REPORT FOR MATERIAL DISPOSAL
AREA B, SOLID WASTE MANAGEMENT UNIT 21-015, REVISION 2
APPROVAL WITH MODIFICATIONS
EPA ID#NM0890010515
HWB-LANL-11-078**

Dear Messrs. Maggiore and Mousseau:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy (DOE) and the Los Alamos National Security, L.L.C.'s (collectively, the Permittees) document titled *Investigation/Remediation Report for Material Disposal Area B, Solid Waste Management Unit 21-015, Revision 2* (Report). The Report was received on June 27, 2013 and is referenced by LA-UR-13-24556/EP2013-0111. NMED has reviewed the Report and hereby issues this Approval with Modifications.

The Permittees have agreed that inappropriate sampling methods were used when collecting samples for volatile organic compound (VOC) analysis. Analytical data for samples that were collected inappropriately is not valid. Defensible evidence that VOCs are not present was not acquired. DOE SOP-06.26 specifically dictates the use of brass sleeves for VOC sampling and it is also a requirement of Consent Order Section IX.B.2.b.i and ii unless another sample collection method is approved by NMED. The Permittees must provide data that meet quality assurance and quality control objectives in order to demonstrate that VOCs are not present in soils or tuff at concentrations exceeding the risk-based residential soil screening levels.

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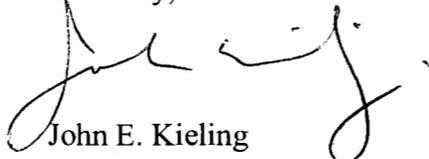


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The requirement to submit a work plan to appropriately sample for VOCs at MDA B was included in NMED's March 18, 2013 Notice of Disapproval (NOD). While the Permittees provided several arguments suggesting the sampling is not warranted in their Response to the NOD included with the Report, NMED cannot accept or defend data from improperly collected samples. Nor can NMED accept or defend the methodologies proposed in the Response to utilize data collected for purposes other than confirmation that concentrations of VOCs are below the residential soil screening levels following remediation activities at MDA B. The Permittees must submit a work plan proposing sampling and analysis appropriate for demonstrating that VOCs are not present in the subsurface at MDA B at concentrations exceeding the residential soil screening levels by **August 22, 2014**.

Should you have any questions, please contact Ben Wear of my staff at (505) 476-6041.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: T. Blaine, NMED EHD
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
B. Wear, NMED HWB
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File: Reading and LANL 2014 – TA-21, MDA B