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NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 28, 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: NOTICE OF DISAPPROVAL
INVESTIGATION WORK PLAN FOR CHAQUEHUI CANYON
AGGREGATE AREA
LOS ALAMOS NATIONAL LABORATORY (LANL),
EPA ID #NM0890010515
HWB-LANL-09-072**

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 (collectively, the Permittees) *Investigation Work Plan for Chaquehui Canyon Aggregate Area* (Work Plan), dated November 2009 and referenced by LA-UR-09-7401/EP2009-0554. NMED has reviewed the Work Plan hereby issues this Notice of Disapproval (NOD).

There are several sites (33-002(a), 33-002(b), 33-002(c), 33-006(a), 33-007(b), 33-010(c), C-33-001, and C-33-003) within the Chaquehui Canyon Aggregate Area where voluntary corrective actions (VCA) were conducted prior to 2006. The Permittees have proposed to utilize data obtained during these investigation/remediation activities as decision-level data for currently proposed investigation sampling strategies, even though the Permittees have not submitted reports on any of the VCA activities. NMED cannot consider data that have never been

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submitted. This applies to the Permittees' proposed sampling strategy for SWMUs 33-002(a-c), 33-006(a), 33-007(b), 33-010(c) and AOCs C-33-001 and C-33-003.

The Permittees have two options: 1) submit a report that documents the results of the VCA activities at SWMUs 33-002(a-c), 33-006(a), 33-007(b), 33-010(c) and AOCs C-33-001 and C-33-003; or 2) revise the Work Plan to include more extensive sampling and full-suite analysis (metals, VOCs, SVOCs, PCBs, nitrate, perchlorate, tritium, isotopic uranium, isotopic plutonium, high explosives, cyanide) at all five sites.

If the Permittees choose to submit a summary report, the report must describe the locations, methods, and depths of subsurface investigation activities: soil, rock, and sediment sampling; field-screening methods and results; and sampling methods and results for all five sites. For this option, the Permittees must propose a date for submittal of this report in their response to this NOD. Following review and approval of the report, the Permittees must revise and resubmit the Work Plan. Once a due date is selected for submittal of the summary report and the revised Work Plan, a new approval date will be established.

The Permittees must submit a response to this NOD no later than **February 22, 2010**. The response must include a proposed submittal date for the report documenting the investigation/remediation activities at SWMUs 33-002(a-c), 33-006(a), 33-007(b), 33-010(c) and AOCs C-33-001 and C-33-003, if applicable. 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.

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

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: J. Kieling, NMED HWB
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File: '10 LANL, General