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NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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DIANE DENISH
Lieutenant Governor

RON CURRY
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 2, 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 OF SUBMITTAL DATE
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) *Response to the Notice of Disapproval for the Investigation Work Plan for Chaquehui Canyon Aggregate Area* (Response), dated February 22, 2010 and referenced by LA-UR-10-0948/EP2010-0066.

The Response addresses the use of data that was never submitted to NMED. Because the Permittees have elected to include only solid waste management units (SWMUs) 33-002(a-c) in a Voluntary Corrective Action (VCA) Summary Report intended to discuss previous site investigation work, they must investigate the other sites (33-006(a), 33-007(b), 33-010(c), C-33-001 and C-33-003) without reliance on data acquired during the previous investigations conducted at those sites. The Permittees are not to rely on these data for determination of nature



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and extent. Moreover, the Permittees must sample to identify the contaminants of potential concern (COPCs), using full-suite analysis (i.e., TAL metals, VOCs, SVOCs, PCBs, nitrate, perchlorate, tritium, isotopic uranium, isotopic plutonium, high explosives, and cyanide). This approach must be reflected in the revised Work Plan.

NMED concurs with the Permittees proposal to submit a VCA Summary Report for SWMUs 33-002(a-c) by **July 30, 2010**. Following review and approval of the VCA Summary Report, the Permittees must submit a revised Chaquehui Canyon Aggregate Area Investigation Work Plan. NMED will establish the due date for submittal of the revised Work Plan in its approval of the VCA Summary Report.

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
D. Cobrain, NMED HWB
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S. Yanicak, NMED DOE OB, MS M894
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J. English, MS M992
J. McCann, EP-CAP, MS M992
P. Bertino, MS M992
S. Schulman, DOE-LASO, MS A316
File: LANL '10, TA-33 [SWMUs 33-001(a)-99, 33-002(a)-99, 33-004(a)-00, 33-004(b), 33-004(d), 33-004(g)-00, 33-014, 33-005(a)-00, 33-010(g), 33-011(e), 33-012(a), 33-016; AOCs: 33-011(b), C-33-001 and C-33-003]