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DAVE MARTIN
Secretary

RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 4, 2011

George J. Rael
Assistant Manager
Environmental Projects Office
U.S. Department of Energy
National Nuclear Security Administration
Los Alamos Site Office
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael J. Graham
Associate Director
Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

**RE: CERTIFICATES OF COMPLETION REQUEST
MIDDLE MORTANDAD/TEN SITE AGGREGATE AREA SWMUS AND AOCS
EPA ID #NM0890010515
HWB-LANL-11-016**

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 Certificates of Completion for Sixty Solid Waste Management Units and Twenty-two Areas of Concern in the Middle Mortandad/Ten Site Aggregate Area* (Request), dated February 9, 2011 and referenced by EP2011-0056.

The document requests Certificates of Completion for 60 Solid Waste Management Units (SWMUs) and 22 Areas of Concern (AOCs) that were recommended for corrective action complete in the report entitled *Investigation Report for Middle Mortandad/Ten Site Aggregate Area, Revision 2* (Report), dated February 2008. NMED approved the Report with Directions on April 1, 2008. Approval included the following direction:

34500



Messrs. Rael and Graham
May 4, 2011
Page 2

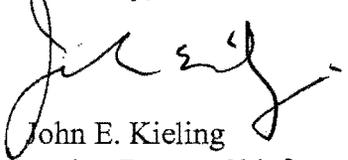
"The Permittees must demonstrate compliance with the New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC) and the New Mexico WQCC Ground and Surface Water Protection Regulations (20.6.2 NMAC) as required by Section VIII.C of the 2005 Order. Surface water site assessments were conducted for the sites, but low erosion potential scores do not necessarily indicate that the sites will not have adverse effect on the surface water quality. NMED will issue Certificates of Completion for the solid waste management units and areas of concern listed in Table 12.0-1 of the Report after such demonstration has been made."

The Request did not include the demonstration of compliance with the surface water quality standards. NMED notes that the National Pollutant Discharge Elimination System (NPDES) Permit was issued on October 7, 2010. The NPDES permit became effective on November 1, 2010. The Permittees may not have had an opportunity to collect storm water data at these sites in accordance with the NPDES Permit. For some of these sites, this demonstration may be possible during the upcoming monsoon season. Without this information NMED cannot make a determination that these sites qualify for corrective action complete without controls status.

The Permittees may choose to submit a revised request for certificates of completion that includes demonstration of compliance with the surface water quality standards as directed. Without this demonstration, NMED will only be able to issue certificates of completion with controls. NMED will defer further action on this until a response is received.

Please contact Neelam Dhawan at (505) 476-6042, if you have any questions.

Sincerely,



John E. Kieling
Acting Bureau Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
C. Rodriguez, DOE LASO, MS A316

File: 2011 LANL, Certificates of Completion Middle Mortandad/Ten Site Canyon AA sites
LANL 11-016