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GOVERNOR

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 27, 1993

Mr. Jerry L. Bellows, Area Manager
Department of Energy
Los Alamos Area Office
528 35th Street
Los Alamos, New Mexico 87544-5000

Dear Mr. Bellows:

On July 7, 1992, the New Mexico Environment Department (NMED) denied Los Alamos National Laboratory's (LANL) clean closure equivalency demonstration for the TA-35 TSL 125 Surface Impoundment on the basis that LANL had failed to establish that releases from the unit impacting surrounding soils or surface water (Ten Site Canyon) were below NMED-Approved Health Based Action Levels. On September 29, 1992, NMED approved LANL's closure plan for this unit when the closure plan was amended to include a sampling and analysis plan to characterize releases from the impoundment into Ten Site Canyon. At that time, NMED stated that LANL had satisfactorily completed partial closure of the surface impoundment and instructed LANL to complete final closure activities by implementing the approved sampling and analysis plan, removing any soil contaminated with hazardous constituents, and confirming that clean closure had been accomplished. The supplemental sampling and closure effort resulted in two documents: Closure Certification Report, Amended April 22, 1992 and Response to Concerns Regarding Closure of the TA-35 TSL-125 Surface Impoundment, September 17, 1993.

After review of the closure work LANL documented in the approved closure plan and in the reports mentioned above, HRMB finds that the sampling and analysis results indicate that no hazardous constituents remain at the site above NMED-Approved Health Based Action Levels. NMED agrees that the investigations were conducted in accordance with the approved closure plan and has determined that LANL has met the requirements for closure by removal for this hazardous waste management unit.



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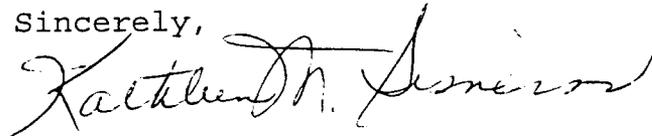
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However, sampling and analysis results conducted per the approved closure plan show total petroleum hydrocarbons (TPH) contamination ranging from 7.8 ppm to 30888 ppm downgradient from the unit in Ten Site Canyon. TPH is not regulated under the Resource Conservation and Recovery Act. These sample locations are in a watercourse and may be regulated under the Water Quality Control Commission Regulations. The Hazardous and Radioactive Materials Bureau is hereby referring this matter to NMED's Surface Water Quality Bureau for further investigation.

If there are any questions regarding this matter, please contact Ms. Stephanie Stoddard of my staff at 827-4308.

Sincerely,



Kathleen M. Sisneros
Director, Water and Waste Management Division
New Mexico Environment Department

xc: Mr. Jim Piatt, NMED/SWQB