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RON CURRY
SECRETARY

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 23, 2006

David Gregory
Federal Project Director
Los Alamos Site Office, Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop M992
Los Alamos, NM 87545

**RE: ADDITIONAL SAMPLING AT MIDDLE MORTANDAD/TEN SITE
AGGREGATE AREA
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-05-016**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy (DOE) and Los Alamos National Security, LLC (collectively, the Permittees) document entitled *Response to Approval of the Time Extension for Resubmittal of the Investigation Report for the Middle Mortandad/Ten Site Aggregate* dated September 8, 2006 and referenced by EP2006-0817. NMED has reviewed the document and hereby issues this response.

NMED concurs that the contaminated sediment may have been transported down the slopes due to surface run off over the years, and that the 1995 analytical data may not be indicative of the current site conditions. NMED therefore agrees with the Permittee's approach of investigating polycyclic aromatic hydrocarbon (PAH) contamination at Solid Waste Management Units (SWMUs) 35-016(o) and 35-016(p) further. However, be advised that if the results of these investigations indicate that contamination has been transported and the data from 1995 investigations is not reliable, then other SWMUs and Areas of Concern (AOCs) included in the Investigation Report that also relied upon 1995 data may need further evaluation. This concern would also be applicable to other sites



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and aggregate areas at the Facility, where 1995 analytical data has been used to make remedial decisions.

NMED requires that the results of all sampling, including confirmation sampling conducted at SWMUs 35-016(o) and 35-016(p), be included in the revised investigation report due on May 18, 2007.

Please contact Neelam Dhawan at (505) 428-2540 if you have questions concerning this response.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:nmd

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
T. Skibitski, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
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file: Reading and LANL General (Middle Mortandad/Ten Site Aggregate)