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ENTERED



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NEW MEXICO
ENVIRONMENT DEPARTMENT

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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

December 2, 2009

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, Mail Stop A316
Los Alamos, NM 87544

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

**RE: APPROVAL
REQUEST FOR EXTENSION OF TIME FOR THE SUBMITTAL OF THE
REVISED NORTH ANCHO CANYON AGGREGATE AREA INVESTIGATION
REPORT
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-09-052**

Dear Messrs. Gregory and McInroy:

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 Extension of Time for the Submittal of the Revised North Ancho Canyon Aggregate Area Investigation Report* (Request), dated and received on November 25, 2009 and referenced by EP2009-0636.

The Permittees have stated in their request that "the Laboratory is requesting this 60-day extension to incorporate the results of cleanup activities that have been completed since the report was submitted and to make extensive revisions to the organization of the report requested by NMED."

NMED's Notice of Disapproval (NOD), dated November 4, 2009, required the Permittees to submit a work plan for additional remediation activities at solid waste management unit



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(SWMU) 39-001(a). NMED requested the work plan because the Permittees indicated that additional remediation activities were required at SWMU 39-001(a). The Permittees clarified in a meeting on November 18, 2009 that the additional remediation involved cleanup of a PCB-spill. The cleanup activities are now complete and therefore a work plan is not required. However, the Permittees assert that the results of the additional cleanup activities cannot be incorporated into the revised North Ancho Canyon Aggregate Area Investigation Report (Report). The Permittees state that "incorporating this information into the revised report would avoid the need to prepare an additional revision to the report at a future date and would ensure that the revised report documents the status of all activities completed to date."

NMED's NOD also required the Permittees to reorganize the Report so that information contained in Appendix B (Data Review) is included in appropriate sections of the main text of the Report. The Permittees state that "[r]eorganizing the report in this manner will require incorporating information from Appendix B into the correct sections of the main report, revising the text formerly in Appendix B so that the report is internally consistent, and updating figures, tables, and associated callouts. These changes must also be coordinated with the changes associated with the SWMU 39-001(a) cleanup."

While the Permittees have shown good cause for an extension, they have failed to fully justify a full 60 days. NMED believes the revisions can be made within 30 days. Acknowledging that the Laboratory closes for a week at the end of December, NMED therefore grants a 45-day extension. The Report and NOD response must be submitted no later than January 18, 2010.

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

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
K. Roberts, NMED HWB
S. Yanicak, NMED DOE OB, MS M894
T. Skibitski, NMED DOE OB
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M. Graham ENV MS J591
File: [REDACTED] SWMUs: 39-001(a), 39-001(b), 39-002(a), 39-005, 39-006(a), 39-007(a), 39-010; AOCs: 39-002(b), 39-002(c), 39-002(f), and 39-007(d))