

TASY



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 25, 2007

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, MS M992
Los Alamos, NM 87545

**RE: NOTICE OF DISAPPROVAL FOR THE INTERIM SUBSURFACE VAPOR-MONITORING PLAN FOR MATERIAL DISPOSAL AREA (MDA) L, SOLID WASTE MANAGEMENT UNIT 54-006, AT TECHNICAL AREA 54, LOS ALAMOS NATIONAL LABORATORY (LANL),
EPA ID #NM0890010515
HWB-LANL-07-012**

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 LLC's (LANS) (collectively, the Permittees) *Interim Subsurface Vapor-Monitoring Plan for Material Disposal Area L at Technical Area 54* (Plan), dated August 2007 and referenced by LA-UR-07-5460/EP2007-0477. NMED has reviewed this document and hereby issues this Notice of Disapproval (NOD).

General Comments:

1) The Permittees must provide a brief description of each cited standard operating procedure (SOP) in accordance with Section IX.A, Standard Operating Procedures of the March 1, 2005 Consent Order (Order). This information must be included in the revised Plan.

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Specific Comments:

1) Section 3.0, Scope of Activities, page 1:

Permittees' Statement: "Two pore-gas samples will be collected quarterly from each of the 11 boreholes for VOCs. Pore-gas samples will be collected quarterly from all available ports at location 54-27642 for tritium."

NMED Comment: NMED acknowledges that the Permittees have obtained a considerable amount of pore-gas data to date. However, additional vapor plume data will provide essential support for NMED's decisions, particularly should vapor extraction be a facet of the final remedy. For example, given the extent of the volatile organic compound (VOC) plume at Material Disposal Area (MDA) L, additional data is crucial to optimize the locations of vapor extraction boreholes.

The Permittees must obtain a pore-gas sample from one port in each geologic unit at each vapor monitoring location. If there are two ports in the same geologic unit in an individual borehole, the Permittees must sample the port that most closely corresponds to the base of a disposal unit (pit or shaft) or that historically has the highest detects of contamination. All samples must be analyzed for VOCs and tritium.

2) Section 3.0, Scope of Activities, Page 2, paragraph 2:

Permittees' Statement: "Quarterly pore-gas monitoring data will be reported in an annual periodic monitoring report according to the requirements of Section XI.D of the Compliance Order on Consent signed by the U.S. Department of Energy, the New Mexico Environment Department, and the University of California."

NMED Comment: In accordance with Section XI.D and Table XII-4 of the Order, the Permittees must submit the quarterly pore-gas monitoring data in a Periodic Vapor-Monitoring Report, due to NMED within 120 days of completion of the monitoring event.

3) Section 3.0, Scope of Activities, page 2, paragraph 3:

Permittees' Statement: "Table 3.0-1 and Figure 3.0-1 identify six boreholes in MDA L that are no longer required for pore-gas monitoring because of redundancy in placement and three boreholes formerly used to evaluate pore-gas monitoring construction techniques. These boreholes are planned to be abandoned in FY08."

NMED Comment: All boreholes must remain open until the Corrective Measures Evaluation (CME) Report has been reviewed and a remedy has been selected for MDA L. However, pore-gas sampling as described in specific comment one, will be required at boreholes 54-02020, 54-02023, 54-02026, and 54-02028 only. NMED will not require interim pore-gas monitoring at boreholes 54-02012, 54-02087, 02-02014, 54-02088, and 54-02029.

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The Permittees must submit the revised Interim Subsurface Vapor-Monitoring Plan by October 30, 2007. 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: D. Cobrain, NMED HWB
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