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RON CURRY
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 21, 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 MS M992
Los Alamos, NM 87545

**RE: INVESTIGATION WORK PLAN FOR MATERIAL DISPOSAL AREA C, SOLID WASTE MANAGEMENT UNIT 50-009
LOS ALAMOS NATIONAL LABORATORY,
EPA ID #NM0890010515
HWB-LANL-03-005**

Dear Messrs. Gregory and McInroy:

In a meeting on November 20, 2006 between the New Mexico Environment Department (NMED) and the United States Department of Energy and the Los Alamos National Security, LLC (collectively, the Permittees), the Permittees informed NMED that the four boreholes required in their approved and modified *Investigation Work Plan for Material Disposal Area C, Solid Waste Management Unit 50-009, at Technical Area 50, Revision 2*, dated October 2006 (workplan) have not been completed and therefore would not be included in the Investigation Report due to NMED on December 6, 2006. The possibility of an extension for the Investigation Report was discussed in this meeting.

The workplan for the site included an objective to assess potential releases from the pits to the environment. The March 1, 2005 Order on Consent (Order) contemplated this, reflecting the parties' agreement that boreholes between Pits 1-4 on 100 foot centers were necessary to achieve this objective. After the Order was signed, the Permittees asserted that boreholes between Pits 1-4 were unnecessary and dangerous to install, and that angled boreholes would be sufficient to achieve this objective. NMED disagreed that angled boreholes could reach the target depths (i.e., just beneath the bottom of the pits), and therefore approved the Work Plan on April 6, 2005 with modifications that included a requirement for four horizontal boreholes.



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In a letter dated September 8, 2005, the Permittees proposed to return to the original requirements in the Order due to technical difficulties with advancing horizontal borings. NMED agreed with this approach, and approved the workplan that included advancement of 11 boreholes between Pits 1-4. The Permittees conducted field work in the ensuing year. In a letter dated August 18, 2006, the Permittees proposed that the boreholes be removed from the workplan scope after all, because drilling the boreholes represented "a technically challenging, potentially hazardous activity that could pose a significant risk to workers and the public". In addition, the letter stated that geophysical surveys conducted in April 2006 indicated that there were no clearly defined tuff boundaries (and therefore no clearly defined pit boundaries) between Pits 1-4.

NMED evaluated the geophysical data, and in a letter dated September 25, 2006 disagreed with the Permittees' interpretation of the geophysical surveys. Specifically, NMED determined that although the boundaries between Pits 1-3 and Pits 2-4 were not clear, the boundary between Pits 2-3 was reasonably well defined. NMED therefore required that four of the 11 originally proposed boreholes be drilled between Pits 2-3 to achieve the related objective in the workplan.

NMED has considered the concept of an extension to the submittal date, and has concluded that an extension is not appropriate. The Permittees must submit the Investigation Report by December 6, 2006, as required by the Order. The Report must document investigation activities that fulfill the requirements of the approved workplan as modified.

Should you have any questions, please contact David Cobrain at (505) 428-2553.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

JPB:kmc

cc: K. Chamberlain NMED HWB
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file: Reading and LANL TA-50, '06 (SWMU 50-009)