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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 20, 2010

Mr. George Rael, Environmental Projects
Office, Federal Project Director
U.S. Department of Energy/National Nuclear
Security Administration
Los Alamos Site Office
3747 West Jemez Road
Los Alamos, NM 87544

Mr. Michael Graham, Associate Director
Environmental Safety, Health and Quality
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS K491
Los Alamos, NM 87545

**RE: RESPONSE TO REQUEST FOR APPROVAL OF AREAS OF
CONTAMINATION FOR INVESTIGATION ACTIONS AT LOWER SANDIA
CANYON AGGREGATE AREA EXCAVATION SITES [SWMU 20-001(C),
SWMU 53-005, AND AOC 53-013]**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) is in receipt of the United States Department of Energy and the Los Alamos National Security L.L.C.'s (collectively, the Permittees) *Request for Approval of Areas of Contamination for Investigation and Remediation Actions at Lower Sandia Canyon Aggregate Area Excavation Sites* referenced by EP2010-0349 and dated July 30, 2010.

The Permittees requested approval of proposed boundaries for remediation activities at two Solid Waste Management Units (SWMUs) 20-001(c) and 53-005 and one Area of Concern 53-013 as areas of contamination (AOCs). These sites are included in the Lower Sandia Canyon Aggregate Area investigations; remedial activities include excavation of trenches/test pits, staging and sampling of environmental media, and segregation of debris.

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The intent of AOC policy is to allow wastes to be consolidated or treated *in situ* within an AOC without triggering land disposal restrictions or minimum technology requirements. The AOC designation does not allow for return of the excavated media to its point of origin or circumvention of the 90-Day storage requirement (20.4.1.300 NMAC incorporating 40 CFR §262.34(a)).

SWMU 20-001(c) is a former landfill that was excavated and its contents were removed in 1948 according to the *Investigation Work Plan for Lower Sandia Canyon Aggregate Area, Revision 1* (July 2009). The Permittees propose to conduct a geophysical survey to determine the location of former landfill, excavate test pits/trenches, and remove remaining waste, if found. The Permittees propose to collect confirmatory samples to define the nature and extent of contamination. The proposed investigations are standard remediation activities and do not meet the intent of the AOC Policy. NMED hereby denies the AOC designation request for SWMU 20-001(c).

SWMU 53-005 is an 8 x 8 x 6 ft deep former waste disposal pit that was used for disposal of solvent and acidic wastes. The contents of the pit were removed and the sides of pit were scraped clean in 1986. The Permittees propose to use geophysical and soil gas surveys to locate the former disposal pit. Once the pit is located the Permittees propose to collect samples to define the nature and extent of residual contamination. The Permittees failed to make clear why an AOC designation is necessary for this site. NMED hereby denies the AOC designation request for SWMU 53-005.

Area of Concern 53-013 is a lead spill site. It consists of two fenced areas, approximately 50 x 80 ft and 60 x 180 ft, that are used for storage and as a staging area for equipment used in beam experiments. Lead shot is mixed with sandy soils present at the site. The Permittees propose to use field screening to identify areas of lead contamination, remove contaminated soils and conduct sampling to define the nature and extent of contamination. The Permittees requested AOC designation to be able to excavate lead contaminated soil and segregate lead shot from the soils. An AOC designation for this site is appropriate and NMED hereby approves the proposed boundary around the site, as an AOC for Area of Concern 53-013. The AOC may be used only for staging and segregation of remediation wastes.

Unless the Permittees can demonstrate that no releases occurred or that areas within the AOC were not utilized, supplemental sampling will be required for staging areas located outside of the original SWMU boundary, but within the AOC boundary to ensure no residual contamination remains after the waste is transported off site. The Permittees must document all areas within the AOC that are used for management of waste for the duration of its use. Upon completion of remedial activities all waste must be managed in accordance with 20.4.1.100 NMAC.

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Please contact Neelam Dhawan at (505) 476-6042 should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

BRZ:nmd

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File: 2010 LANL, Lower Sandia Canyon Aggregate Area