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State of New Mexico
ENVIRONMENT DEPARTMENT

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 17, 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: NOTICE OF DISAPPROVAL OF THE INVESTIGATION REPORT 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-05-014**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has received and reviewed the United States Department of Energy and the Regents of the University of California's (collectively, the Permittees) *Investigation Report for Material Disposal Area L, Solid Waste Management Unit 54-006, at Technical Area 54*, dated September 2005 and referenced by LA-UR-05-5777/ER2005-0305. NMED hereby issues this Notice of Disapproval (NOD) of the aforementioned Investigation Report.

NMED has determined that the Permittees did not execute field work in accordance with the approved work plan. Specifically;

- 1) The Permittees did not define the lateral or vertical extent of contamination;
- 2) The Permittees did not obtain pore-gas samples at the intervals specified in the approved MDA L investigation work plan; and



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Messrs. Gregory and McInrc

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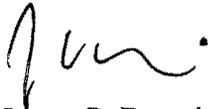
3) The Permittees did not conduct field screening for VOCs and inorganic contaminants in accordance with the approved work plan.

Based on the specified deficiencies, further investigation is required under Section VII of the March 1, 2005 Consent Order (Order). Therefore, the Permittees must submit a work plan as required in a letter from NMED, dated January 5, 2006, for continued investigative work at MDA L. The Permittees must also propose a date for submittal of the addendum to the Investigation Report that will document the additional work at MDA L.

NMED's future approval of the work plan required by the January 5, 2006 letter in no way relieves the Permittees of their obligations to comply with the Order, including future submittal dates for MDA L, or applicable laws and regulations, or reduces the Permittees' liability for past or current noncompliance with the same.

Please contact Kathryn Chamberlain at (505) 428-2546 should you have any questions.

Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

JPB:kc

cc: D. Goering, NMED HWB
K. Chamberlain, NMED HWB
D. Cobrain, NMED HWB
J. Volkerding, NMED DOE OB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
J. Ordaz, DOE LASO, MS A316
K. Hargis, LANL RRES/DO, MS M591
N. Quintana, LANL E/ER, MS M992
J. Ellvinger, LANL RRES-SWRC, MS K490
file: Reading and LANL TA-54 '05 (SWMU; 54-006)