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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 20, 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: RESUBMITTAL OF THE INVESTIGATION REPORT FOR MATERIAL
DISPOSAL AREA 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) is in receipt of a response letter from the United States Department of Energy and the Regents of the University of California (collectively, the Permittees), dated February 9, 2006. The letter addresses NMED's requirement to submit a work plan to further investigate the extent of contamination in the vicinity of Solid Waste Management Unit 54-006 at Technical Area 54 (MDA L). A submittal date of March 10, 2006 was established for the work plan in correspondence sent by NMED to the Permittees dated January 5, 2006.

In the letter, the Permittees indicate that the *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) did not present all information collected or evaluated during the site investigation. The Permittees propose to provide additional information



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in a revised version of the Investigation Report and assert that, based on the information to be presented, the Permittees can support that the nature and extent of contamination at the vicinity of MDA L has been determined, eliminating the need for further investigation. The Permittees are requesting that the submittal date for the required work plan be postponed until after NMED has reviewed the revised Investigation Report and reassessed the need for further investigation.

Section XI.C of the March 1, 2005 Order on Consent (Consent Order) requires the Permittees to submit all data collected during site investigations in their investigation reports and therefore, the omission of data is a violation of the requirements of the Consent Order. Nevertheless, NMED agreed to consider this additional information in a meeting with the Permittees on January 25, 2006.

Finally, NMED takes the opportunity to clarify the Permittees' apparent misconceptions about the January 31, 2006 draft permit. In their February 9, 2006 response, the Permittees discuss a proposed permit modification issued since January 5, 2006, that the Permittees believe allows closure of operating units under corrective action. The only proposed permit modification issued since January 5th was NMED's Public Notice 06-02, that removes corrective action requirements from the Permit. This draft permit is required under Section III.W.3.a of the March 1, 2005 Compliance Order on Consent (Consent Order). The requirements for closure of operating units under the permit is clear under Consent Order Section III.W.1 and the draft permit reflects this. NMED's January 5, 2006 letter simply recommended that the Permittees coordinate the additional site investigation with closure activities related to the inactive interim status surface impoundments at MDA L. This recommendation was intended to improve efficiency and provide cost savings for the Permittees.

NMED hereby agrees to suspend the submittal date for the work plan required in our letter dated January 5, 2006. NMED will evaluate the additional information provided in the revised *Investigation Report for Material Disposal Area L, Solid Waste Management Unit 54-006, at Technical Area 54* and establish a new due date for the work plan as necessary. In accordance with the Permittees' request, the revised report must be submitted no later than March 10, 2006. The revised Investigation Report must highlight all revisions and additions made to the September 13, 2005 Investigation Report and include a table cross-referencing all of the changes. NMED provided the notice for the MDA L Investigation Report in accordance with the procedures outlined in Section III.M of the Consent Order on January 17, 2006.

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Please contact me, at (505) 428-2553, or Kathryn Chamberlain at (505) 428-2546 if you have questions.

Sincerely,



Dave Cobrain
Staff Manager
Permits Management Program

DC

cc: J. Bearzi, NMED HWB
K. Chamberlain, NMED HWB
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J. Young, NMED HWB
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file: Reading and LANL TA-54 (SWMU; 54-006) 2006