

TA-54

State of New Mexico

ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

May 4, 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: CORRECTIVE MEASURES EVALUATION 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-MISC

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has received the United States Department of Energy and the Regents of the University of California's (collectively, the Permittees) *Corrective Measures Evaluation Plan for Material Disposal Area L, Solid Waste Management Unit 54-006, at Technical Area 54*, dated March 2006 and referenced by LA-UR-05-8862/ER2005-0793 (herein, the CME Plan). NMED did not require nor solicit the CME Plan, although we may require one in the future. Any future work at MDA L, which may include more careful characterization of contaminant extent, will be based on NMED's evaluation of the Investigation Report (submitted on March 10, 2006). The CME Plan submittal is therefore premature at this time.

As discussed in our letter of January 17, 2006, any remedy for MDA L must also address the interim status surface impoundments. These units have never been adequately investigated, particularly with respect to ongoing sources of contamination. NMED maintains that further investigations of SWMU 54-006 should be conducted in concert with closure activities at the surface impoundments.



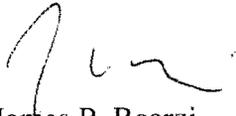
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Neither the Permittees nor NMED can fully assess an appropriate range of possible remedies for this site until the extent of contamination has been determined, all necessary data have been collected, and the appropriate risk assessments based on these data have been conducted. The Permittees' work at MDA L has been plagued by problems with field screening of samples and adequacy of subsurface characterization. A crucial flaw that perhaps overshadows all else is the issue related to the reliability of groundwater data at TA-54. While NMED acknowledges that the Permittees are presently engaged in several activities to address this issue (*e.g.*, well screen analysis; well rehabilitation pilot; NAS study; responding to EPA's study), it nevertheless remains unresolved. The Permittees must have groundwater data beyond reproach before any proposed remedy that contemplates leaving waste in place may be considered.

NMED therefore declines to review the CME Plan. 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. Cobrain, NMED HWB
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