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NEW MEXICO  
ENVIRONMENT DEPARTMENT



*Hazardous Waste Bureau*

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

October 29, 2008

David Gregory  
Federal Project Director  
Los Alamos Site Office  
Department of Energy  
528 35<sup>th</sup> Street, Mail Stop A316  
Los Alamos, NM 87544

David McInroy  
Remediation Services Deputy Project Director  
Los Alamos National Laboratory  
P.O. Box 1663, MS M992  
Los Alamos, NM 87545

**RE: APPROVAL OF THE "CONTAINED-IN" DETERMINATION FOR  
DRILL CUTTINGS AND ASSOCIATED CONTACT WASTE FROM  
DRILLING REGIONAL WELL R-40  
LOS ALAMOS NATIONAL LABORATORY (LANL)  
EPA ID #NM0890010515**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has reviewed the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) document entitled *Request for "Contained-In" Determination for Drill Cuttings and Associated Contact Waste from Drilling Regional Well R-40* (dated September 24, 2008 and referenced by ENV-RCRA-08-195).

The Permittees provide a comparison of the maximum detected concentrations of potential F-listed organic constituents with the New Mexico Residential Soil Screening Levels (SSLs) and the Environmental Protection Agency (EPA) Region 6 Residential Medium-Specific Screening Levels (MSSLs). The analytical results demonstrate that the concentrations of identified constituents are below both the SSLs and MSSLs. The data also indicates that the waste is not a characteristic hazardous waste as defined in 40 CFR 261.21 through 261.23. Based on this information provided, NMED has determined that

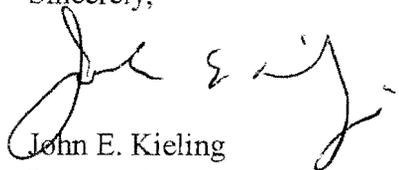


the environmental media and associated contact waste does not need to be managed as hazardous waste.

The Permittees propose to land apply the drill cuttings in accordance with the NMED-approved NOI Decision Tree, *Land Application of IDW Solids from Construction of Wells and Boreholes*. The Permittees provide a comparison of the maximum detected concentrations of potential F-listed organic constituents with the EPA Land Disposal Restriction Treatment Standards (LDRs). The maximum detected concentrations are below the LDRs listed in 20.4.1.800 NMAC incorporating 40 CFR 268.40. The analytical data demonstrates that the LDRs do not apply to the environmental media and associated contact waste and it can be disposed of as non-hazardous waste.

NMED hereby grants the Permittees' request that drill cuttings and associated contact waste from drilling regional well R-40 be managed as non-hazardous. Please contact Neelam Dhawan at (505) 476-6042, should you have any questions.

Sincerely,



John E. Kieling  
Program Manager  
Permits Management Program  
Hazardous Waste Bureau

cc:

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File: Reading and LANL '08, TA-54, R-40