



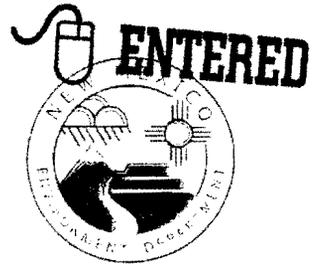
BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

TA 54
NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

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RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

March 25, 2009

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Environmental Operations Project Director
Los Alamos National Security, LLC
P.O. Box 1663, MS M992
Los Alamos, NM 87545

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

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 the Redrilling of Regional Well R-40*, dated March 9, 2009 and referenced by ENV-RCRA-09-044.

The Permittees provide a comparison of the maximum detected concentration of 1,2-dichlorobenzene (*o*-dichlorobenzene) in drill cuttings with the NMED Soil Screening Levels (SSLs), the Environmental Protection Agency (EPA) Region 6 Residential Medium-Specific Screening Levels (MSSLs), and the EPA Land Disposal Restrictions Treatment Standards (LDRs). The analytical results demonstrate that the concentrations of 1,2-dichlorobenzene in drill cuttings are below the SSLs, the MSSLs, and the LDRs. The Permittees propose to manage the drill cuttings as non-hazardous waste in accordance with the NMED-approved *NOI Decision Tree for Land Application of IDW Solids from Construction of Wells and Boreholes*, and to dispose of the associated contact waste as non-hazardous waste based on the analysis of drill cuttings.



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Messrs. Gregory and McInroy

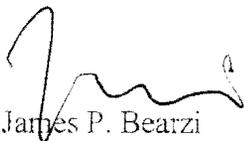
March 25, 2009

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NMED hereby grants the Permittees' request that drill cuttings and associated contact waste collected from regional well R-40 be managed as non-hazardous waste.

Please contact Jerzy Kulis of my staff at (505) 476-6039 should you have any questions.

Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
K. Roberts, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
G. Rael, DOE LASO, MS A316
M. Graham, ENV MS J591
File: Reading and LANL, 2009 TA-54, R-40