



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

NEW MEXICO ENVIRONMENT DEPARTMENT ENTERED

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



RON CURRY
Secretary

JON GOLDSTEIN
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 19, 2009

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
3747 West Jemez Rd, MS 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: NOTICE OF DISAPPROVAL FOR THE PERIODIC MONITORING REPORT FOR VAPOR-SAMPLING ACTIVITIES AT MATERIAL DISPOSAL AREA H, SOLID WASTE MANAGEMENT UNIT 54-004, AT TECHNICAL AREA 54, FIRST QUARTER FISCAL YEAR 2009
LOS ALAMOS NATIONAL LABORATORY EPA ID No: NM0890010515
HWB-LANL-09-014**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has reviewed the United States Department of Energy and the Los Alamos National Security, LLC (collectively, the Permittees) document entitled *Periodic Monitoring Report for Vapor-Sampling Activities at Material Disposal Area H, Solid Waste Management Unit 54-004, at Technical Area 54, First Quarter Fiscal Year 2009*, (PMR), dated April 2009 and referenced by LA-UR-09-2190/EP2009-0179. NMED hereby issues this Notice of Disapproval for the PMR.

General Comment:

During the sampling event of the first quarter of Fiscal Year (FY) 2009, the Permittees discovered that during the reinstallation of FLUTE membrane prior to collecting samples for the third quarter FY 2008, the sampling tubing and surface manifold had been accidentally misaligned, resulting in incorrect data reported for third and fourth quarters of FY2008 and first quarter of FY2009 for borehole 54-15462. As indicated in NMED's letter dated April 7,



31548

2009, NMED will not accept these data because the collected samples may not be representative of formation air at the depths specified. The Permittees must highlight these data in the Tables and add a footnote explaining that the data were rejected by NMED.

Specific Comments:

1. Section 1.0, Introduction, page 2:

Permittees Statement: "As a result of the tubing misalignment, the samples collected during the third and fourth quarter FY2008 sampling events and the first quarter FY2009 sampling event were aligned with the wrong depth intervals. One depth (60 ft) could not be sampled because it was disconnected."

NMED Comment: The Permittees state that no data were collected at 60 ft from borehole 54-15462 during the third and fourth quarters of FY2008, and first quarter of FY2009. However, the analytical data provided on a compact disk (CD) with the PMR reports data from the third quarter of FY2008 for samples collected from this borehole at 60 ft depth. Table 5.0-1 of the PMR also reports data for the third quarter FY2008. The data from the third quarter was also reported in previous reports (e.g., Periodic Monitoring Report for MDA H for FY 2008, March 2009) submitted to NMED. According to the PMR, the misalignment of tubing occurred prior to the third quarter sampling event and sampling port at the depth of 60 ft was not reconnected to the sample tubing. If the data reported for the third quarter of FY2008, in reality does not exist, the Permittees must investigate the source of this reported datum. The Permittees must provide an explanation for the noted discrepancies and make appropriate revisions to the PMR.

2. Table 5.0-1, VOC Pore-Gas Results at MDA H, page 27:

NMED Comment: Column three of the Table 5.0-1 reports sampling port depth or intervals. The depth intervals reported for all boreholes differ from the depths reported in previous reports for the same data and from the data provided on a CD included in the PMR. For example, for borehole 54-01023, the depth interval is reported as 9-11 ft in Table 5.0-1, but is reported as 10-12 ft in the CD and in the previous reports. Similar inconsistencies in reporting of depth intervals were also noted in Tables 1.0-1, 2.0-1, 4.0-1, and 5.0-2. The Permittees must resolve the discrepancies and revise the tables accordingly. It is crucial that samples are collected from the same depth intervals, so changes in contaminant concentrations over time can be tracked meaningfully and trends identified.

3. Table 5.0-1, VOC Pore-Gas Results at MDA H, page 42:

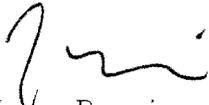
NMED Comment: A footnote 'b' is added to the Table 5.0-1 that denotes "Analyte not quantified." The Permittees must provide an explanation for excluding these analytes from analyses for samples collected during second quarter of FY2008.

Messrs. Gregory and McInroy
May 19, 2009
Page 3

The Permittees must address all comments and submit a revised report by June 19, 2009. As part of the response letter that accompanies the revised report, the Permittees must include a table that details where all revisions have been made to the report and that cross-references NMED's numbered comments. All submittals (including maps and tables) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order. In addition, the Permittees must submit a redline-strikeout version that includes all changes and edits to the report (electronic copy) with the response to this NOD.

For future sampling events, the Permittees must ensure that data collected are of good quality, representative, and is defensible. The Permittees must continue to collect quarterly subsurface vapor samples from the three existing boreholes until a remedy is selected for MDA H. Please contact Neelam Dhawan of my staff at (505) 476-6042 should you have any questions.

Sincerely,



James Bearzi
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, 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, ADEP MS M991

File: Reading and LANL/TA 54/54-004, 2009