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**NEW MEXICO
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DAVE MARTIN
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RAJ SOLOMON, P.E.
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

May 31, 2011

George J. Rael, Manager
Environmental Projects Office
U.S. Department of Energy/National
Nuclear Security Administration
Los Alamos Site Office
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Michael J. Graham, Associate Director
Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS M991
Los Alamos, NM 87545

**RE: NOTICE OF APPROVAL WITH DIRECTION
UPPER CAÑADA DEL BUEY AGGREGATE AREA INVESTIGATION REPORT
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-10-087**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) *Investigation Report for Upper Cañada del Buey Aggregate Area* (Report), Revision 1, dated May 2011, received May 6, 2011, and referenced by LA-UR-11-2487 / EP2011-0151. NMED has reviewed the Report and hereby issues this Notice of Approval (NoA).

The Report presents investigation activities at 56 solid waste manage units (SWMUs) and areas of concern (AOCs) The Permittees have indicated that additional sampling is needed to define contaminant nature and extent at the following 47 SWMUs and AOCs:

SWMUs 04-003(a); 46-003(b); 46-003(c); 46-003(d); 46-003(e); 46-003(f); 46-003(g); 46-004(a); 46-004(a2); 46-004(b); 46-004(b2); 46-004(c); 46-004(c2); 46-004(d); 46-004(d2); 46-004(e); 46-004(f); 46-004(g); 46-004(h); 46-004(q); 46-004(s); 46-004(t); 46-004(u); 46-004(v); 46-004(x); 46-004(y); 46-004(z); 46-005; 46-006(a); 46-006(c); 46-006(d); 46-006(f); 46-007; 46-008(a); 46-008(b); 46-008(d); 46-008(e); 46-008(f); 46-008(g); 46-009(a); 46-009(b); and 46-010(d); and AOCs 04-004; 46-004(e2); 46-004(f2); C-46-002; and C-46-003.

The Permittees have proposed indefinite delay in investigation of SWMU 46-003(a) (an inactive septic system) due to the presence of near-by active overhead utilities.

The Permittees have indicated that SWMU 46-004(h), SWMU 46-006(d), and SWMU 46-008(g) require additional laboratory analyses for a limited number of analytes that were inadvertently excluded during the 2010 field effort.

The Permittees have indicated contaminants of potential concern (COPCs) and contaminants of potential ecological concern (COPECs) at SWMU 46-004(p) (an inactive drywell) were identified at depths greater than ten feet below ground surface (bgs). Accordingly, human health and ecological risk screening analyses were not conducted at the SWMU, since no complete exposure pathways exist.

The drainline at SWMU 46-004(t) will be located and exposed using a backhoe at locations 46-611277 and 46-611278 to verify samples were collected from the correct locations and depths during 2010 field activities. If necessary, locations 46-611277 and 46-611278 must be re-sampled as part of the future Phase II investigation.

The Permittees have indicated characterization of SWMUs 46-004(r) and 46-004(w) has been completed, but risk-screening assessments were not performed. Risk-screening assessments for these SWMUs will be performed as part of the future Phase II investigation.

Based on information provided to NMED by the Permittees in 2008, further site investigation work is not needed at SWMU 52-001(d).

Five sites have the nature and extent of contamination defined and do not pose potential unacceptable risks under the industrial, construction worker, and residential scenarios. Additionally, no potential ecological risk was found for any receptor at these sites. The Permittees may request Certificates of Completion for the following sites:

AOC C-46-001 (spill/release area)	SWMU 46-006(b) (former storage shed)
SWMU 46-002 (surface impoundment)	SWMU 46-006(g) (storage area)
SWMU 46-004(m) (inactive outfall)	

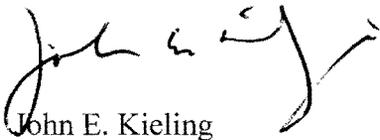
The Permittees must submit a Phase II investigation work plan (IWP) on or before **November 28, 2011**. The IWP must provide details and a schedule for conducting sampling activities and a proposed date for submittal of the Phase II investigation report.

Messrs. Rael and Graham
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All submittals (including maps) must be in the form of two paper copies and one electronic copy in accordance with Section XI.A of the Order.

Please contact Daniel Comeau at (505) 476-6043, if you have any questions.

Sincerely,



John E. Kieling
Acting Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
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