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Official Correspondence Form

Name:	U1101134
Title:	Approval With Modifications - Phase II Letter Work Plan for DP Aggregate Area
Date Received:	6/15/2011
Addressee Name:	Michael Graham, ADEP
Originator:	John E. Kieling, NMED Santa Fe
Action Item Description:	
Action Due Date:	4/20/2012
Responsible for Action:	Search Graham, Michael J
Responsible Office:	ADEP
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 10, 2011

George J. Rael, Assistant Manager
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Michael Graham
Associate Director Environmental Programs
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RE: APPROVAL WITH MODIFICATIONS
PHASE III LETTER WORK PLAN FOR DP SITE AGGREGATE AREA
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-11-033

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) *Phase III Letter Work Plan for DP Site Aggregate Area* (Work Plan), dated May 2011 and referenced by LA-UR-11-2842/EP2011-0170. NMED has reviewed the Work Plan and hereby issues this Approval with the following modifications:

1) **Section 2.1, Proposed Extent Sampling, pages 2-3, bullet #1**

Permittees' Statement: "Copper was detected at location 21-25763 at 1.5 to 2 ft bgs at a concentration above background (242 mg/kg; LANL 2008, 102760; Figure 6.3-13) but less than its corresponding soil screening level (SSL) (3130 mg/kg) without decreasing concentrations with depth. This location cannot be advanced deeper given the proximity of the sloped mesa edge. Therefore, a deeper sample will not be collected and analyzed for copper at this location."

NMED Comment: The reason provided for not collecting a deeper sample at this location is not sound, as a deeper sample from 5 to 6 feet bgs at location 21-25763 was collected during the Phase II field work, but analysis for copper, proposed in the approved *Delta Prime Site Aggregate Area Phase II Work Plan, Revision 1,* was not performed. In the *Phase II Investigation Report for Delta Prime Site Aggregate Area at Technical Area 21, Revision 1* (Phase II IR), the Permittees state, "[a]t location 21-25763, cobalt was analyzed instead of copper. Therefore, extent is not defined for copper."

In future reports and work plans, refrain from making inaccurate or misleading statements. These types of statements necessitate a more in-depth review of previous documents which can result in delayed NMED responses. This is counter-productive to the quick turnaround requested by the Permittees. Although extent is not defined for copper at this location, the observed concentrations are less than ten percent of the residential SSL. No further sampling is required at this location.

2) **Section 2.1, Proposed Extent Sampling, page 3, bullet #3**

Permittees' Statement: "Reevaluation of the Phase II investigation report (LANL 2010, 110772.33, p. 25) supports the conclusion that vertical extent was previously defined for barium at location 21-605282 (total depth [TD] 10 ft); concentrations were not detected at the deepest depth sampled."

NMED Comment: Table 6.8-1 (Summary of Inorganic Chemicals above BVs at Consolidated Unit 21-022(h)-99) of the Phase II IR shows that a barium concentration was detected at 110 mg/kg at the deepest depth sampled at location 21-605282. Refer to Comment 1 regarding inaccurate or misleading statements. However, barium was detected at the deepest depth sampled at a lower concentration than the sample above it and the concentrations are very low compared with the residential SSL. Therefore, vertical extent of barium is considered to be defined at location 605282.

3) **Section 2.1, Proposed Extent Sampling, page 3, bullet #4**

Permittees' Statement: "However, as directed by NMED (2010, 110959), location 21-603010 will be resampled to confirm the presence of polyaromatic hydrocarbons (PAHs) from 3 to 4 ft and 5 to 6 ft bgs (Figure 5, Table 1, location 23a-1)."

NMED Comment: The samples at location 603010 must be collected from undisturbed native soils.

4) Section 2.1, Proposed Extent Sampling, page 3, bullet #10 and Table 1, Proposed Extent Sampling, page 28

NMED Comment: The Permittees have not included analyses for all COPCs at AOC C-21-027 for which extent has not been defined, based on the Phase II IR. The Permittees must add the following analytes to the laboratory analytical suite for samples collected at the following locations:

- Location C27-1: nitrate and perchlorate
- Location C27-2: chromium, nitrate, perchlorate, zinc, and americium-241
- Location C27-6: americium-241

The Phase III Investigation Report must be submitted to NMED no later than **April 20, 2012**. 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 March 1, 2005 Consent Order. Please contact Ben Wear at (505) 476-6041 should you have any questions.

Sincerely,

John E. Kieling
Acting Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
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