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Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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DAVE MARTIN
Cabinet Secretary

BUTCH TONGATE
Deputy Secretary

THOMAS SKIBITSKI
Acting Director
Resource Protection Division

EP2013-5016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 11, 2013

Pete Maggiore,
Environmental Operations Manager
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

Jeffrey D. Mousseau,
Associate Director Environmental Programs
Los Alamos National Security, L.L.C.
P.O. Box 1663, MS 991
Los Alamos, NM 87545

**RE: RESPONSE TO SOLID WASTE MANAGEMENT UNIT ASSESSMENT
REPORT FOR THE PIT 38 NEWLY IDENTIFIED AREA OF CONCERN
LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515**

Dear Messrs. Maggiore and Mousseau:

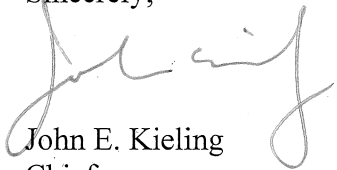
The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) *Solid Waste Management Unit Assessment Report for the Pit 38 Newly Identified Area of Concern (Report)*, dated January 2, 2013 and referenced by LA-UR-12-27006/EP2012-0303.

The Report indicates that mixed low level waste was disposed of in Pit 38 in 1996. More recent disposal of decontamination water containing hazardous constituents has also been documented by the Permittees (LA-UR-12-23557). This disposal is considered to be systematic; therefore, Pit 38 meets the definition of a Solid Waste Management Unit (SWMU) as defined in the March 1, 2005 Consent Order and the current Facility Hazardous Waste Permit. The Permittees must submit a Permit Modification Request to add Pit 38 to the list of SWMUs no later than **May 10, 2013**. No further investigation or remediation outside of the remedy selected through the Corrective Measures Evaluation process is required.

Messrs. Maggiore and Mousseau
January 11, 2013
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Please contact Dave Cobrain at (505) 476-6055 should you have any questions.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
B. Wear, NMED HWB
J. Schoepner, NMED GWQB
J. Fullam, NMED GWQB
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