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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 29, 2016

Doug Hintze, Manager
U.S. Department of Energy
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Michael Brandt, Associate Director
Environment, Safety, Health
Los Alamos National Laboratory
P.O. Box 1663, MS K491
Los Alamos, NM 87545

**RE: APPROVAL
INVESTIGATION REPORT FOR TECHNICAL AREA 57
AGGREGATE AREA (FENTON HILL)
EPA ID #NM0890010515
HWB-LANL-15-007**

Dear Messrs. Hintze and Brandt:

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) *Response to the Disapproval for the Investigation Report for the Technical Area 57 Aggregate Area (Fenton Hill) and Revision 1 of the Report*, dated December, 2015 (IR), received on December 15, 2015 and referenced by LA-UR-15-29321 & 15-29322/EP2015-0203. NMED has reviewed the Response to the Disapproval (Response) and the revised IR and issues this Approval with the following comments. The numbers correspond to the October 28, 2015, Disapproval comment numbers.

Comment # 2:

Information related to the development of the home ranges listed in Tables G-5.5-1 and G-5.5-3 was provided in the Response. The information included the references used by the Permittees [i.e., December 1993 Volume 1 of EPA "Wildlife Exposure Factors Handbook" and Laboratory's Screening-Level Ecological Risk Assessment Methods, Revision 3 (Methods Document)] in determining the home ranges for the ecological receptors listed in Table G-5.5-1 and G-5.5-3. The table provided in the Response is comprised of rows extracted from Table 3.3-

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1, Measures Required for the Wildlife Exposure Model, from the Laboratory's Methods Document. The home ranges listed in this information correspond to those listed in Tables G-5.5-1 and G-5.5-3 for ecological receptors at Area of Concern (AOC) 57-006 and AOC 57-007, respectively. However, none of this information has been incorporated into Appendix G, Section G-5.5.4, Population Use Factors. The ecological risk assessment in the IR still does not provide a description of how the home ranges listed in the two tables were determined. In addition to the information provided in the first paragraph of the response to Comment #2 and the excerpts from Table 3.3-1 of Laboratory's Methods Document, the discussion in Section G-5.5.4 should have been included more detail regarding how the listed values of home range were determined. In future documents, the appendices and tables should include the information presented in the first paragraph and the Table 3.3-1 excerpts of the Response as well as additional detail regarding the determination of the home range for the American Kestrel, Deer Mouse, Desert Cottontail, and Red Fox. No response required.

Comment # 4:

The Permittees provide information regarding five AOCs [AOCs 57-001(b), 57-001(c) 57-002, 57-004(a) and 57-004(b)] closed under a discharge plan issued by the New Mexico Oil Conservation Division (NMOCD). Specifically, the information in the response indicates that:

- no investigations or remedial activities were conducted at the Fenton Hill site between submittal of the 1996 RCRA Facility Investigation (RFI) report and the 2014 investigation;
- the Phase II RFI, voluntary corrective action, and ecological risk assessment listed in the third paragraph of NMED Comment 4 were not performed; and
- a meeting was held following the NMED staff site visit on September 9, 2015 that addressed the decommissioning of Milagro Pond including the collection of confirmation samples to determine if actions beyond the decommissioning of the pond are warranted.

Appendix H of the IR provides information on these five AOCs, information provided in the Response was not included in the appendix. Appendix H should have been revised to include the information provided in the three bullets listed above. NMED concurs that a meeting must be scheduled to discuss these AOCs and to decide on a path forward as indicated in the Response. Please propose a schedule for a meeting to discuss these sites.

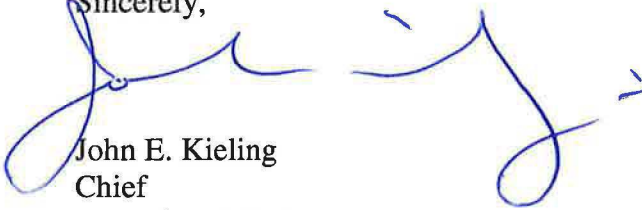
Comment #5:

The Response presents information supporting the assertion that the bottom of the drainline from the trailer to the leach field was likely at a depth of 1 foot below ground surface (bgs). The Response also states that the drainline "could not be located in 2014, indicating it had been removed at some point and bedrock was encountered at about 2 ft [feet] bgs." The Permittees provided justification for the depth intervals sampled (at locations 57-4011, 57-4012, and 57-4013) during the 2014 investigation and the Permittees revised Section 6.3.4.1 of the main text and Section B-9.0 of Appendix B to include this justification. However, the text was not revised to indicate that, as part of the 2014 investigation, the Permittees made a determination that the drainline had been removed. To clarify why the sampling depths at these sampling locations deviated from those proposed in the work plan, revisions of Section B-9.0 of Appendix B should also have also indicated that the drainline had been removed previously. No response required.

Messrs. Hintze and Brandt
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Please note that the file titled AppG_TA-57_text_R1_pt1_REDLINE provided on attached disc was not a redline version of Appendix G but rather a clean copy. Please contact Neelam Dhawan at (505) 476-6042, if you have any questions.

Sincerely,



John E. Kieling
Chief
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB
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