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State of New Mexico
ENVIRONMENT DEPARTMENT

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RON CURRY
SECRETARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 28, 2006

David Gregory, Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, New Mexico 87544

David McInroy, Deputy Project Director
Environmental Services
Los Alamos National Laboratory
P.O. Box 1663
Mail Stop M992
Los Alamos, New Mexico 87545

**RE: APPROVAL FOR THE INVESTIGATION REPORT FOR MATERIAL
DISPOSAL AREA U, CONSOLIDATED UNIT 21-017(a)-99, AT TECHNICAL
AREA 21, LOS ALAMOS NATIONAL LABORATORY (LANL)
EPA ID #NM0890010515
HWB-LANL-06-006**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of the Department of Energy and the Los Alamos National Security, LLC's (collectively, the Permittees) *Response to the Notice of Disapproval for the Investigation Report for Material Disposal Area U, Consolidated Unit 21-017(a)-99, at Technical Area 21* dated September 8, 2006 and referenced by ER2006-0805. NMED has reviewed this document and hereby issues an Approval with Modifications for the response to NOD and the Investigation Report.

Solid waste management unit (SWMU) 21-017(a) consists of one absorption bed, SWMU 21-017(b) consists of one absorption bed, SWMU 21-017(c) consists of a former distribution box located between the two absorption beds, and SWMU 21-022(f) consists of a sump located outside the MDA U fenced area. Together, these four SWMUs comprise Consolidated Unit 21-017(a)-99. NMED has determined that the requirements of the March 1, 2005 Consent Order (Order) have been satisfied for these sites. This letter serves as a "Corrective Action Complete

Messrs. Gregory and McInroy

September 28, 2006

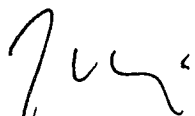
Page 2

with Controls” certificate of completion for SWMUs 21-017(a), 21-017(b), 21-017(c), and 21-022(f) pursuant to Section VII.E.6.b of the Order. The first control will be that the land use remains industrial. The second control will be the prohibition of construction of any structures at MDA U. If the Permittees can provide additional information which demonstrates that vapor intrusion does not pose a risk to human health using the Johnson and Ettinger model, the “no construction” control will be removed. Otherwise, construction will be prohibited at MDA U. If the Permittees choose to provide the additional information regarding vapor intrusion, NMED recommends that the results be submitted to NMED for review prior to petitioning for the permit modification to change the status of the units.

The Permittees may now initiate a “Class 3 Permit Modification for Corrective Action Complete” pursuant to the terms of the Permit and Section III.W.3.b of the Order. If the Class 3 Permit Modification for Corrective Action Complete is granted, SWMUs 21-017(a), 21-017(b), 21-017(c), and 21-022(f) will be removed from the list of SWMUs requiring corrective action and placed on the “Corrective Action Complete with Controls” list. In accordance with Section III.W.3b, the controls will then be enforceable under the Permit.

Should you have any questions, please contact Kathryn Chamberlain at (505) 428-2546.

Sincerely,



James P. Bearzi

Chief

Hazardous Waste Bureau

JPB:kc

cc: K. Chamberlain, NMED HWB
D. Goering, NMED HWB
N. Dhawan, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
G. Rael, DOE LASO, MS A316
L. King, EPA 6PD-N
A. Phelps, LANL ADEP, MS J591
N. Quintana, LANL E/ER, MS M992
file: Reading and LANL TA-21 '06 [21-017(a)-99: 21-017(a), 21-017(b), 21-017(c), 21-022(f)]