

Attachment G-3

*“No Longer Contained In” Approval Letter
(on CD included with this document)*



BILL RICHARDSON
Governor

DIANE DENISH
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

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RON CURRY
Secretary

SARAH COTTRELL
Deputy Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

June 10, 2010



George J. Rael
Environmental Operations Manager
Los Alamos Site Office
Department of Energy
3747 West Jemez Road, Mail Stop A316
Los Alamos, NM 87544

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

**RE: NOTICE OF APPROVAL
REQUEST FOR "NO LONGER CONTAINED-IN" DETERMINATION FOR
DRILL CUTTINGS AND ASSOCIATED CONTACT WASTE FROM THE
CONSOLIDATED UNIT 16-003(d)-99 INVESTIGATION
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) has reviewed the United States Department of Energy (DOE) and the Los Alamos National Security L.L.C.'s (LANS) (collectively, the Permittees) document entitled *Request for "Contained-In" Determination for Drill Cuttings and Associated Contact Waste from the Consolidated Unit 16-003(d)-99 Investigation*, dated May 26, 2010 and referenced by ENV-RCRA-10-102. NMED hereby approves the Permittees' request for a "no longer contained-in" determination.

The Permittees generated less than 30 gallons of contact waste and approximately 2 cubic yards of drill cuttings during the investigation of Consolidated Unit (CU) 16-003(d)-99. The CU 16-003(3)-99 consists of Solid Waste Management Units 16-001(e), 16-003(d), 16-003(e), 16-003(f), and 16-003(g). The Permittees state that the analytical results for the cuttings indicate

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that the waste is not characteristic, but it contains low concentrations of potentially listed contaminants.

The Permittees provide a comparison of the maximum detected concentration of F-listed organic constituents (i.e., methylene chloride and 1,1,1-trichloroethane) with the New Mexico Residential Soil Screening Levels (SSLs) and the U.S. Environmental Protection Agency (EPA) Regional Screening Levels (RSLs). The analytical results demonstrate that the concentrations of methylene chloride and 1,1,1-trichloroethane are below both the SSLs and RSLs. Based on the information provided, NMED hereby determines that the detected concentrations do not pose a threat to human health and the environment, and the waste does not need to be managed as hazardous waste.

The Permittees also request that NMED determine that the EPA Land Disposal Restriction (LDR) Treatment Standards do not apply to the drill cuttings and associated waste, the waste may be disposed of as nonhazardous waste, and the drill cuttings may be land applied in accordance with the NMED-approved NOI Decision Tree, *Land Application of IDW Solids from Construction of Wells and Boreholes*. The Permittees provided a comparison of the maximum detected concentrations of methylene chloride and 1,1,1-trichloroethane with the LDR Treatment Standards and demonstrated that the maximum detected concentrations are below the Standards. NMED concurs that the LDRs do not apply to the waste and the waste may be disposed of as a nonhazardous waste.

Please contact Neelam Dhawan at (505) 476-6042, should you have any questions.

Sincerely,



James P. Bearzi
Chief
Hazardous Waste Bureau

cc:

J. Kieling, NMED HWB
D. Cobrain, NMED HWB
N. Dhawan, NMED HWB
A. Vollmer, NMED HWB
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T. Skibitski, NMED DOE OB
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A. Grieggs, ENV-RCRA, MS K490

File: Reading and LANL 2010, TA-16, 16-003(d)-99