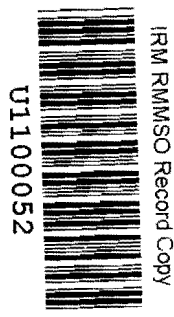
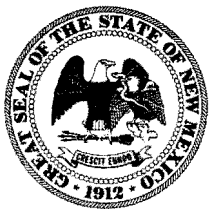


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Official Correspondence Form

Name:	U1100052	
Title:	Notice of Approval with Modifications Nest Box Monitoring Report Revision 1 for the Upper Pajarito Canyon Watershed LANL EPA ID NM0890010515 HWB-LANL-10-075	
Date Received:	1/18/2011	
Addressee Name:	Michael Graham, ADEP	
Originator:	James Bearzi, NMED	
Action Item Description:		
Action Due Date:		
Responsible for Action:	Search =	
Responsible Office:		
Distribution:	Michael J. Graham Isaac E. RichardsonIII Michael B. Mallory David J. McInroy Elizabeth W. English Kristine Smeltz Tina M. Sandoval Scottv Jones	Michael R. Anastasio Richard A. Marquez Deborah K. Woitte James C. Cantwell Phoebe K. Suina Victoria A. George Anthony R. Grieggs





SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

**NEW MEXICO
ENVIRONMENT DEPARTMENT**

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



DAVE MARTIN
Cabinet Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 14, 2011

George J. Rael, Assistant Manager
Environmental Projects Office
U.S. Department of Energy/National
Nuclear Security Administration
Los Alamos Site Office
3747 West Jemez Road, MS A316
Los Alamos, NM 87544

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

**RE: NOTICE OF APPROVAL WITH MODIFICATIONS
NEST BOX MONITORING REPORT, REVISION 1
FOR THE UPPER PAJARITO CANYON WATERSHED
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
HWB-LANL-10-075**

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) *Nest Box Monitoring Report for the Upper Pajarito Canyon Watershed, Revision 1* (Report), dated November 2010 and referenced by EP2010-0511. NMED has reviewed the Report and hereby issues this Notice of Approval with Modifications. Because of the Modifications, it is not necessary to revise the Report.

Specific Modifications:

1. NMED's review of the data collected for semi-volatile organic compounds (SVOCs) indicates the detection frequency has been very low and its spatial extent limited. This is most likely indicative of contaminant concentrations not being sufficiently high or widespread to accumulate in the monitored species. The SVOCs that tend to drive risk assessments at Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) within Upper Pajarito Canyon tend to be polycyclic aromatic hydrocarbons (PAHs). PAHs have not been detected in the nest box studies; therefore, it is reasonable to cease sampling for SVOCs. In the event new data become available during SWMU/AOC investigations that indicate the potential for migration through the watershed, it may become necessary to reconsider sampling for SVOCs.
2. The Permittees' response to the previous NMED Notice of Disapproval (NOD) Comment 3 clarified that the gender ratio data were collected from 1997 through 2008. However, the response also indicated that eggshell thicknesses and other measures of nest success were not measured in the cited report. While not specifically stated, the Permittees appear to be drawing the conclusion that the evaluation of gender ratios is sufficient to draw conclusions on overall nest success and impact on eggshell thickness, without actually examining eggshell thickness. The response does not address the fact that the *Pajarito Canyon Biota Investigation Work Plan* (LANL, July 2006) (Work Plan), which governs this investigation, included conducting a trend analysis of variations in eggshell thickness. This deviation from the Work Plan must be discussed in the August 2011 report. In addition, since additional data are being collected and results, including an assessment of nest success, and will be reported in the August 2011 report, a final evaluation of this comment response must be postponed pending the August report and evaluation of the data and conclusions provided therein.
3. The Permittees' response to NMED NOD Comment 4 indicates that additional data to supplement the conclusion that there is no adverse impact in reach AW-1 will be provided with the August 2011 report. Until these additional data and/or lines of evidence are evaluated, a determination of impact cannot be made by the Permittees or by NMED.

Messrs. Rael and Graham
January 14, 2011
Page 3

Please contact Daniel Comeau at (505) 476-6043, if 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
D. Comeau, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
T. Skibitski, NMED DOE OB
L. King, EPA 6PD-N
S. Veenis, LANS, EP-CAP, MS K490
S. Schulman, DOE-LASO, MS A316

File: 2011 -- LANL, Nest Box Monitoring Report for the Upper Pajarito Canyon Watershed
NoA w/Modification

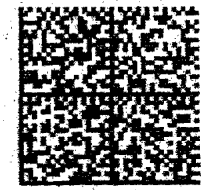
NAME [Signature]
Z# _____
DATE 1/18/2011

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State of New Mexico
ENVIRONMENT DEPARTMENT
Hazardous Waste Bureau
2905 Rodeo Park Drive East-Building 1
Santa Fe, New Mexico 87505



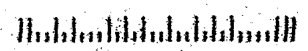
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Michael J. Graham, Associate Director
Environmental Programs
Los Alamos National Security, LLC
P.O. Box 1663, MS M991
Los Alamos, NM 87545 **A150**



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