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**NEW MEXICO  
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Cabinet Secretary

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Deputy Secretary

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

June 24, 2019

Doug Hintze, Manager  
Environmental Management  
U.S. Department of Energy  
Los Alamos Field Office  
P.O. Box 1663 MS M984  
Los Alamos, NM 87545

**RE: DISAPPROVAL  
REQUEST FOR CERTIFICATES OF COMPLETION FOR SWMUS IN THE  
DELTA PRIME SIE AGGREGATE AREA  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID #NM0890010515  
HWB-LANL-18-068**

Dear Mr. Hintze:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) *Response to Denial of Request for Certificate of Completion for Two Solid Waste Management Units in the Delta Prime Site Aggregate* (Request) dated and received December 19, 2018, and referenced by EM-LA-40AD-00368.

**Solid Water Management Unit (SWMU) 21-027(c)** was a pipeline and outfall that exited a former machine shop and discharged south on Delta Prime (DP) Mesa and is composed of a 4-inch vitrified clay pipe. The machine shop (21-0006) was removed in 1966, and the pipe was left in place. This site was investigated in 2005-2006 and in 2008-2009, and the results were reported in Investigation Reports (IRs) dated 2007 and 2010, respectively. The human health and ecological risk evaluations were presented in the IRs in 2007 and 2010.

In NMED's *Response to Certificates of Completion, Two Areas of Concern and Twelve Solid Waste Management Units in the Delta Prime Site Aggregate Area*, (2016 Response) dated June

19, 2016, NMED concluded that the lateral extent for lead was not defined. Enclosure 1 of this Request does not provide any new information on additional sampling for lead and does not demonstrate that the extent of lead is defined. The DOE states that additional sampling to define the lateral extent of lead is not possible due to the steepness of topography. NMED recommends that the DOE utilize existing sediment data from Los Alamos Canyon upgradient and down gradient of the SWMU 21-027(c), if available, to define the lateral extent of contamination.

NMED cannot make a decision until DOE has demonstrated that the nature and extent is defined, and the site does not pose an unacceptable risk to human health and the environment.

**SWMU 21-027(d)**, was an outfall from a fuel storage tank secondary containment system, located below Material Disposal Area (MDA) B and adjacent to MDA V. In 1999, the DOE performed a voluntary corrective measure (VCM) that included SWMU 21-027(d). Investigation and remediation of MDA V was completed in 2007 and documented in the IR for Consolidated Unit 21-018(a)-99. The removal of buried waste at MDA B, was completed in September 30, 2011, which eliminated a potential source of contamination and is documented in the *Submittal of the Investigation/Remediation Report for Material Disposal Area B, Solid Waste Management Unit 21-015*.

The DOE was directed to combine further characterization of SWMU 21-027(d) with future investigations at MDA V (September 10, 2002). The DOE did not address SWMU 21-027(d) in the MDA V or B investigations reports.

In 2015, the DOE had requested a certificate of completion without controls for SWMU 21-027(d) which NMED did not approve. In 2016 Response, NMED identified a data gap of approximately 60 feet of the upper drainage that had not been sampled, and recommended that the DOE utilize data from a nearby SWMU 21-023(c) to address the data gap.

In Enclosure 2 of this Request, the DOE has provided additional data from SWMU 21-023(c) and has conducted risk screening assessment that demonstrates that the site poses no unacceptable risk to human health under residential, industrial, and construction worker scenarios. However, the ecological risk screening was not included in this Request. The DOE must provide the results of the ecological risk screening assessment before NMED can determine if the corrective action is complete at SWMU 21-027(d).

If you have any questions regarding this letter, please contact Siona Briley at (505) 476-6049.

Sincerely,

A handwritten signature in blue ink, appearing to read "John E. Kieling", with a stylized flourish at the end.

John E. Kieling  
Chief  
Hazardous Waste Bureau

Mr. Hintze  
June 24, 2019  
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cc:

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File: 2019 LANL, Certificate of Completion, 21-027(c) and 21-027(d)  
LANL-18-068