



Michelle Lujan Grisham
Governor

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Lt. Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

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Deputy Secretary

EMID-700947
Rec'd 6/17/20

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 17, 2020

Thomas Johnson, Acting Manager
Department of Energy-EM-LA
Los Alamos Field Office
P.O. Box 1663, MS M984
Los Alamos, NM 87545

Michael Weis, Manager
Department of Energy-NNSA
Los Alamos Field Office
LANL MS-A316
3747 West Jemez Road
Los Alamos, NM 87544

RE: **POTENTIAL NEWLY DISCOVERED SWMU OR AOC
MIDDLE DP ROAD SITE
LOS ALAMOS NATIONAL LABORATORY
EPA ID #NM0890010515
LANL-MISC-CO**

Dear Messrs. Johnson and Weis:

The New Mexico Environment Department (NMED) has received the U.S. Department of Energy (DOE) National Nuclear Security Administration and the Office of Environmental Management Los Alamos field offices (collectively DOE) *Response to the April 07, 2020 New Mexico Environment Department Letter Regarding Potential Newly Discovered SWMU or AOC, Middle DP Road Site* (Response) dated April 16, 2020 and referenced by EMLA-2020-1341-04-011.

On April 7, 2020, NMED directed DOE to develop and implement a preliminary screening plan (PSP) that includes sampling and investigation activities and a schedule for implementing these activities. Although DOE agreed to develop a PSP, it did not provide a schedule for development and implementation of a PSP. DOE stated that it intends to complete tasks associated with Section X of the Consent Order (CO) "as soon as practicable."

Based upon information provided to NMED since the discovery of the Middle DP Road Site on February 14, 2020, contamination appears to be widespread. DOE conveyed during a meeting held on June 8, 2020 that it has no immediate plan to prepare a PSP and indicated it would be prepared and implemented sometime in 2021. DOE's focus appears to be on installation of upgraded sewage infrastructure for two housing projects rather than planning for the

investigation and cleanup of the site. Although we understand Los Alamos County's interest in completing the sewer project and DOE's commitment to assisting this effort, the continued delay in development of the PSP is not reasonable. The widespread waste at the Site represents a substantial risk to human health and the environment. Therefore, NMED does not find the pace at which DOE is investigating the matter acceptable or appropriate. DOE must expedite planning and implementation of the PSP pursuant to Section X of the Consent Order to fully characterize the nature and extent of contamination on this property.

Within 30-days of receipt of this letter DOE must provide NMED with a schedule of PSP activities that indicates that DOE understands the seriousness of this matter, including a timeframe for implementation of the PSP. Please include the basis for the current delay and limitations in implementing the PSP to ensure full transparency and understanding of why this important risk to public health is not being addressed in a more timely manner.

If you have any questions regarding this letter, please contact Neelam Dhawan at (505) 476-6042.

Sincerely,

**Kevin
Pierard**

Digitally signed
by Kevin Pierard
Date: 2020.06.17
13:57:34 -06'00'

Kevin M. Pierard, Chief
Hazardous Waste Bureau

cc: S. Stringer, NMED-RPD
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Messrs. Johnson and Weis
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File: 2020 LANL TA 21: Response to April 16, 2020 on Potential Newly Discovered Solid Waste
Management Unit or Area of Concern at Middle DP Road, TA-21
LANL-MISC-CO

