



March 10, 2023

Arturo Duran
Designated Agency Manager
U.S. Department of Energy-Environmental Management
Los Alamos Field Office
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Los Alamos, NM 87544

**RE: CHANGE IN THE STATUS OF MATERIAL DISPOSAL AREA C
SOLID WASTE MANGEMENT UNIT 50-009, AT TECHNICAL AREA 50
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-21-036**

Dear Mr. Duran:

The New Mexico Environment Department ("NMED") has received the United States Department of Energy ("DOE")'s *Change in Status of Material Disposal Area C, Solid Waste Management Unit 50-009* ("Status Change"), at *Technical Area 50* dated March 7, 2023.

NMED has reviewed the Status Change and determined that Material Disposal Area ("MDA C") does not qualify as a deferred site. Deferred site is defined in Section III.J of the 2016 Order on Consent ("CO").

"Deferred" or "Deferred Site" means the SWMUs and AOCs for which full investigation and/or remediation is deferred until such time as the SWMU or AOC is taken out of service or otherwise becomes accessible (e.g., firing sites and active facilities). **Deferred Sites include the SWMUs and AOCs where delayed investigation, due to active Facility operations, was proposed in NMED-approved investigation work plans and reports.**

Based on the definition in the CO, the site does not qualify for a deferred site. The delayed investigation, due to active Facility Operations for MDA C has not been proposed in any investigation work plan or investigation report and approved by NMED. DOE has not provided any documentation indicating NMED's approval of MDA C as a Deferred site. On the contrary, DOE submitted a revised Corrective Measures Evaluation Report on June 30, 2021 which is under review by NMED. MDA C CME has been consistently listed in the priority list as a high priority for DOE. MDA C is not an active site but a landfill consisting of pits and shafts that received both radioactive and hazardous waste between 1948 and 1974. The waste disposed of at MDA C consists of liquids, solids, and containerized gases. The site has an operational site cover that will be disturbed with proposed facility operations and increase the potential for a harm to human health and the environment. NMED will not permit disturbance of existing cover.

NMED cannot allow a contaminated landfill to be used for facility operations. Los Alamos National Laboratory is approximately 36 square miles and MDA C is approximately 11.8 acres, DOE must find another uncontaminated alternate location for their national security operations.

In addition, the site currently is fenced with no public access. There is a known volatile organic chemical (VOC) plume in the subsurface at MDA C. NMED will not allow potential exposure to site workers where known contamination exists. Because of these potential health concerns and to prevent exposure of workers to subsurface contamination, NMED has been requiring DOE to conduct quarterly VOC monitoring at nearby Transuranic Waste Facility at TA-63, since 2015.

For the reasons listed above, NMED does not concur that MDA C can be considered a "Deferred Site" and used for national security operations. Please do not proceed with operations at MDA C. Also note that in accordance with Section XXIV, Notifications and Submissions, of the CO, all correspondence related to the CO must be addressed to Chief of Hazardous Waste Bureau, not to the Director.

Please contact Neelam Dhawan of my staff at (505) 690-5469 or at neelam.dhawan@env.nm.gov if you have any questions.

Sincerely,

Rick Shean

Digitally signed by Rick Shean
Date: 2023.03.10
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Rick Shean

Director

Resource Protection Division

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File: 2023 LANL Response to DOE Change of Status to Deferred Site for MDA C