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February 14, 2024

Arturo Duran, Designated Agency Manager
U.S. Department of Energy-EM
Los Alamos Field Office
1200 Trinity Drive, Suite 400
Los Alamos, NM 87544

**RE: APPROVAL
SOLID WASTE MANAGEMENT UNIT ASSESSMENT REPORT
FOR THE MIDDLE DP ROAD SITE
LOS ALAMOS NATIONAL LABORATORY
EPA ID#NM0890010515
HWB-LANL-23-086**

Dear Mr. Duran:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) *Solid Waste Management Unit Assessment Report for the Middle DP Road Site* (SAR), dated and received on December 2, 2023, and referenced by EM2023-0739.

History of Investigation

The DOE developed this SAR to evaluate the nature and extent of contamination following the discovery of laboratory debris during the excavation of a utility corridor on February 14, 2020. Middle Delta Prime Road was a Manhattan-era site located in Technical Area (TA) 21 and in the vicinity of the previously remediated Material Disposal Area (MDA) AB. Following discussions between DOE and NMED, and additional sampling results and geophysical surveys, NMED determined that the site may meet the conditions of a solid waste management unit (SWMU) in accordance with the definition in the 2016 Compliance Order on Consent (CO) and directed the DOE to provide a SWMU Assessment Work Plan.

On March 25, 2021, the DOE provided a Revised Work Plan, which NMED subsequently approved on April 5, 2021. On July 21, 2023, the DOE presented lines of evidence that arsenic should not be considered a constituent of potential concern (COPC) since the background arsenic concentrations in soil and tuff in the Middle DP Road area are above the soil screening levels for arsenic (Arsenic White Paper)¹. NMED concurred with this assessment in the Arsenic White Paper via an email sent on August 17, 2023.

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

NMED Comments:

Appendix F:

While NMED does not regulate the radionuclides, NMED notes that the total equivalent cancer dose (1.0E-04) under the residential land use scenario calculated by DOE currently exceeds the NMED total excess cancer risk of 1.0E-05. NMED also notes that the unsubstituted EPC resulted in a dose calculation of 29.9 mrem/yr which is greater than the LANL 2015 SAL residential dose of 25 mrem/yr.

In addition, NMED noted that a residential soil gas vapor intrusion screening level (VISL) is listed for acetone as 1.08E+06 µg/m³. It is unclear how this VISL was derived, as acetone does not have associated inhalation toxicity data but NMED determined that this inclusion had no impact on the VISL calculations.

NMED Approval

Based on the information provided in the SAR, the two Tracts A-8-a and A-16-A do not pose an unacceptable risk from hazardous constituents to human health and the environment under the residential, industrial, recreational, and construction worker scenarios. NMED has reviewed this SAR in accordance with requirements set forth in Section X.C of the Consent Order, and hereby issues this approval. The site does not need to be added to Appendix K of the Permit.

In the future, if new information becomes available, NMED may require additional investigation. If you have any questions regarding this letter, please contact Siona Briley at (505) 690-5160.

Sincerely,

**Rick
Shean**

Rick Shean,
Designated Agency Manager
Director, Resource Protection Division
New Mexico Environment Department

Digitally signed by
Rick Shean
Date: 2024.02.14
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Footnote

1. Los Alamos National Laboratory, July 2023. "Investigation and Cleanup of Arsenic Contamination at Middle DP Road Site" (Arsenic White Paper). Los Alamos National Laboratory

cc:

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LANL-23-086

