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*Hazardous Waste Bureau*

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ENTERED



RON CURRY  
Secretary

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 12, 2010

George J. Rael  
Environmental Operations Manager  
Los Alamos Site Office  
Department of Energy  
3747 West Jemez Road, Mail Stop A316  
Los Alamos, NM 87544

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

**RE: CONCURRENCE WITH LAND TRANSFER OF TRACT A-10 (DP ROAD-3 (EAST))  
LOS ALAMOS NATIONAL LABORATORY  
EPA ID #NM0890010515  
HWB-LANL-09-081**

Dear Messrs. Rael and Graham:

The New Mexico Environment Department (NMED) is in receipt of the U. S. Department of Energy, National Nuclear Security Administration, Los Alamos Site Office's (LASO) written notice of intent (dated November 15, 2009) to transfer Tract A-10 (DP Road-3 (East)) to the County of Los Alamos (LAC). A request to transfer Tract A-10 was initially submitted on August 24, 2009, but the documents referenced in the request were incorrect and the request was resubmitted with correct references on November 15, 2009. According to the information provided by LASO, one solid waste management unit (SWMU) 21-029 lies adjacent to Tract A-10. The entire DP Canyon is designated as an area of concern (AOC) C-00-021. Tract A-10 lies within the western portion of DP Canyon and is approximately 13 acres in size.

The corrective measures performed at SWMU 21-029 were documented in the *Phase II RFI Report for PRS 21-029, DP Tank Farm*, dated September 2001 and referenced by LA-UR-01-5254/ER2001-0720. The Report was approved by NMED on January 14, 2002. Subsequently, a Class 3 Permit Modification Request to remove SWMU 21-029 from Los Alamos National Laboratory (LANL) RCRA Permit was submitted on September 30, 2002 (referenced by



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ER2002-0683). NMED did not remove SWMU 21-029 from the Permit at that time because it was undergoing qualitative quarterly inspections to monitor for the presence of diesel range organics. The inspections were discontinued in 2005 with NMED approval (September 20, 2005 letter).

The western portion of DP Canyon that comprises Tract A-10 is upgradient and not affected by the potential contaminant transport from other SWMUs and AOCs located in Technical Area 21 except SWMU 21-029. The results of investigations conducted in the DP Canyon were documented in *Los Alamos and Pueblo Canyons Investigation Report* (April 2004) and *Los Alamos and Pueblo Canyons Supplemental Investigation Report* (December 2005). NMED approved the reports on May 11, 2005 and August 30, 2007, respectively. The risk to a trail user was evaluated in the report and the results indicated no unacceptable risk from residual contamination in the canyon. No additional corrective action was required for DP Canyon

In accordance with Section III.Y.1.a of the Consent Order, representatives of NMED, DOE, LAC, and LANL held a phone conference on December 17, 2009 to discuss the transferee's intended use of the property. The transferee intends to use the land for open space and utilities. Because of the location of the tract in the canyon, the transferee has no plans to develop the land. NMED has determined that the corrective measures implemented at SWMU 21-029 located adjacent to Tract A-10, and at AOC C-00-021 are protective of human health and the environment in light of the transferee's intended use. NMED concurs with the transfer of property because there is no known unacceptable threat to human health or the environment from documented contamination at the site.

Should you have any questions, please contact Neelam Dhawan at (505) 476-6042.

Sincerely,



James P. Bearzi  
Chief  
Hazardous Waste Bureau

cc: N. Dhawan, NMED HWB  
D. Cobrain, NMED HWB  
J. Kieling, NMED HWB  
K. Roberts, NMED HWB  
S. Yanicak, NMED DOE OB, MS M894  
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file: Reading and LANL 2010 (Land Transfer, Tract A-10 )